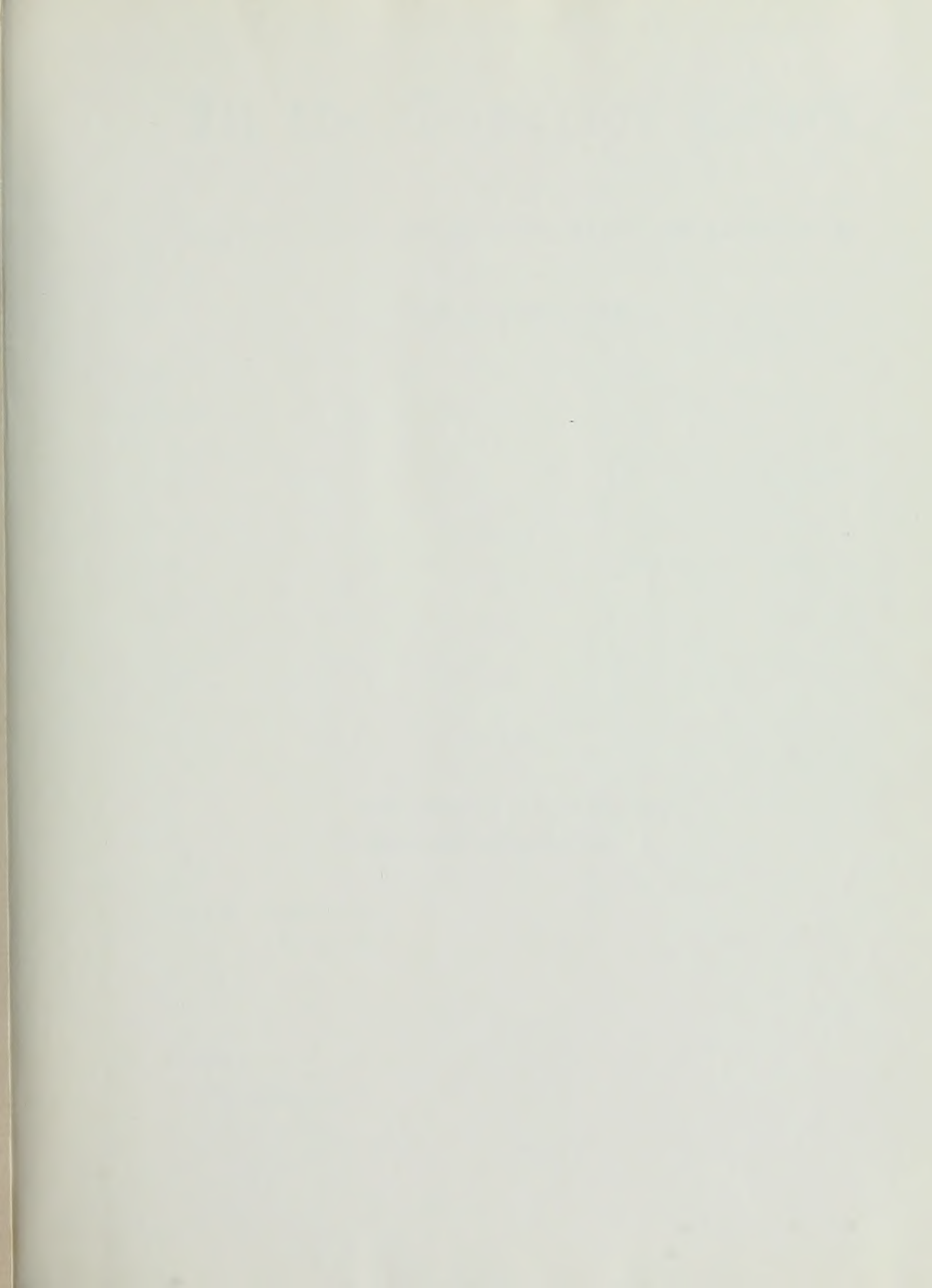




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Cucamonga Vineyard Co., et al, plaintiff

In the Superior Court

OF THE

COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA.

DEPARTMENT ONE

Cucamonga Vineyard Co., et al.,

Plaintiff

vs.

No. 9187. Vol. 4.

Defendant

HON. FRANK F. OSTER, Judge.

I. BENJAMIN, Official Reporter.

COUNSEL APPEARING:

For Plaintiff

For Defendant

In the Superior Court

COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA

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1907
DEPARTMENT ONE
v. 4

Securities Trust Co., et al.,

Plaintiff

No. 9187. Vol. 4.

Defendant

HON FRANK F. OSTER, Judge.

I BENJAMIN, Official Reporter.

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COUNSEL APPEARING:

For Plaintiff

For Defendant

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vs.

San Antonio Water Company, et al.,

Tuesday, March 2, 1909

Defendant S

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I. BENJAMIN
OFFICIAL REPORTER,
SUPERIOR COURT.

In the Superior Court of San Bernardino County, State
of California.

Cucamonga Vineyard Co. et al.,

Plaintiffs,

vs. The City of San Antonio

March 2, 1909.

San Antonio Water Company et al.,

Twenty-first Day.

Defendants.

Mr. Joliffe: In this case the defendant moves the sub-
stitution of J. M. McKinley in place of former Judge Chap-
man, now deceased, as attorney for the San Antonio Water
Company, the Ontario Power Company, J. M. Elliott, the Union
Trust Company of San Francisco, J. J. Atwood, and the Upland
Water Company.

Mr. Gregg: And, if your Honor please, my name has been --
the name of the firm of Gregg & Burr has been entered by
mistake as attorneys for several defendants. We are attor-
neys for the defendant San Antonio Water Company and the On-
tario Power Company, but beyond that our clientship does
not go; and I would like the record to show that we are the
attorneys only for the Ontario Power Company and the San
Antonio Water Company, and that wherever else in the plead-
ings we are mentioned it does not apply.

The Court: Your names are affixed to the other clients plead-
ings?

Mr. Gregg: I think so.

Mr. Britt: You do not appear for J. M. Elliott?

Mr. Gregg: No, sir.

Mr. Britt: Do you also appear for the Upland Water Company?

Mr. Gregg: No do not.

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Mr. Britt: Your name goes out also. On the part of J. J.

Atwood, the same?

Mr. Gregg: The same.

Mr. Britt: And the Union Trust Company the same?

Mr. Gregg: Yes, sir.

Mr. Britt: Is that you remain as of counsel for the two defendants San Antonio Water Company and Ontario Power Company only?

Mr. Gregg: Yes, sir.

The Court: Does that leave the other parties unrepresented?

Mr. Gregg: No; they are abundantly represented by other counsel with the same clients; and I take this position for the reason that I am, as your honor knows, withdrawing from practice as much as I can.

Mr. Britt: That leaves Judge McKinley and Mr. Joliffe representing J. R. Elliott, also the Upland Water Company, J. J. Atwood, and also the Union Trust Company.

Mr. McKinley: Yes, sir; with Gregg & Burr for the two original companies.

The Court: Are all the parties who were brought in under the order of the Court now before the Court?

Mr. Britt: They have all appeared and all have answered except the Title Insurance & Trust Company and the Cucamonga Water Company who have a demurrer here.

Mr. Joliffe: There is a cross-complaint of the San Antonio Water Company against the Cucamonga Water Company and the intervenors, and we ask to dismiss the cross-complaint.

Mr. Leonard: As to the Cucamonga Water Company, as to the complaint in intervention and the complaint, we have a de-

756 1 murrer filed, and we would like, if your Honor is willing,
2 to have it continued for a day or two so as to give us an
3 opportunity to arrange it by stipulation.

4 The Court: Is that agreeable?

5 Mr. McKinley: That is agreeable to me.

6 Mr. Stevens: But you will answer if it is not disposed of?

7 Mr. Leonard: Yes, sir.

8 The Court: Where do you want to begin on this mess? I was
9 wondering to what extent the issues have been changed. I
10 have heard something about amended pleadings being filed by
11 the original parties.

12 Mr. Britt: I suppose the Court has given no attention to
13 the pleadings since the adjournment of the trial?

14 The Court: I have not.

15 Mr. Britt: There was an engrossed complaint, and the
16 fourth amended complaint filed.

17 The Court: Does it change the issues substantially from
18 what they were before?

19 Mr. Britt: Not materially. We made some allegations against
20 these new parties, -- about the same as will be found in an
21 action to quiet title. The allegations as against the On-
22 tario Power Company are not materially different from what
23 they were in the amendment which the Court had allowed pre-
24 vious to the conclusion of the plaintiff's case.

25 The Court: Do any of the new answers raise any new issues?

26 Mr. Britt: Oh, yes; they raise new issues.

27 The Court: I assume they deny what you allege; but do they
28 raise any new issues affirmatively?

29 Mr. Britt: Yes; we have answers here from the Ontario

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I. BENJAMIN
OFFICIAL REPORTER,
SUPERIOR COURT.

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Power Company and the San Antonio Water Company, 140 pages in length, each setting up various estoppels and other defenses which have been previously interposed. I suppose that probably it would be as well for the new pleadings to be read here to the Court.

The Court: I judge from the arm full of papers I wouldn't know any more about it after you get through. I would rather have a statement than a reading of them. Or, if not, I could take it between sessions and read them over. But I assume you are ready to go to work, and I want to facilitate the matter of the introduction of the evidence.

Mr. Britt: That may be a somewhat a violent assumption, circumstances considered. However, as regards these new answers -- particularly these very long answers, -- it has been my intention to make an abstract of them, and I will have here a stenographer this afternoon for that purpose, and I hope by to-morrow afternoon or to-morrow morning to be able to have an abstract of these pleadings which will abbreviate the substance of them very much, but I haven't got it now.

The Court: There isn't any particular urgency why I should be advised as to the exact issues unless it is for the purpose of raising an objection that may arise. I suppose those matters may be presented when they come up. Are you ready to proceed with the evidence now?

Mr. McKinley: To have an abstract of the pleadings. Is there a stipulation made as regards the testimony being admissible to the new conditions?

Mr. Waters: The stipulation has been signed by all except Messrs. Goodcell and Leonard.

Mr. Leonard: We are ready to stipulate in open court.

Mr. Waters: I would like to have it all in the same form.
Have you signed the stipulation?

Mr. McKinley: I have not. I assume Mr. Joliffe has.

The Court: The purport is to stipulate the evidence in
to all these parties as far as applicable?

Mr. Waters: Yes; with certain qualifications, that we may
recall any witness they call for, otherwise his testimony
goes out.

Other appearances:

For the Title Insurance and Trust Company, and the Cucamonga Water Company, F. A. Leonard and Henry Goodcell.

For the Hemet Water Company, H. Conner.

For Samuel Johnson, W. Conner.

For the Opland Water Company, J. E. McKinley and E. H. Joliffe.

For J. J. Atwood, J. E. McKinley and E. H. Joliffe.

For the Union Trust Company, J. E. McKinley and E. H. Joliffe.

For the Sunset Water Company, Curtis & Curtis.

The Court: Is the stipulation now signed by everybody?

Mr. Stevens reads the stipulation and the same is filed.

Mr. Britt: If the Court please, we had expected to introduce various continuations of the observations and measurements of water made at Cucamonga Springs and in that vicinity since the last series which was introduced in evidence here last winter, and Mr. J. T. Wright was in charge of that and has the maps and diagrams. I went over the matter with him on

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Saturday and I expected him to be here before this time, and he has not arrived. The understanding was that he would be here.

The Court: Haven't you another evidence to put in?

Mr. Britt: The Court will recollect that the plaintiffs rested their case.

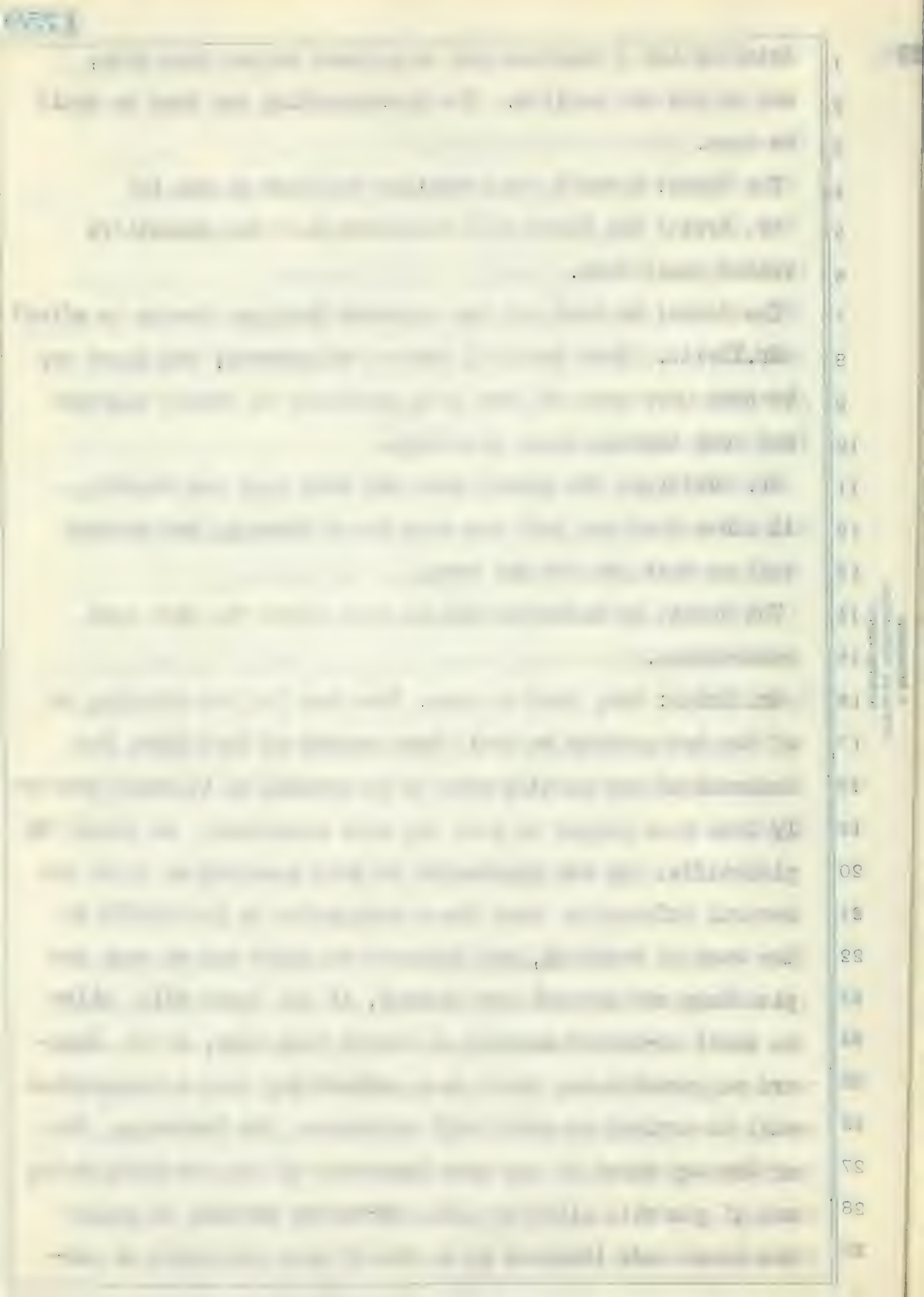
The Court: Is that all the evidence that you desire to offer?

Mr. Britt: That is all I know of at present; but there may be some more when we have an opportunity to confer together and comb through these pleadings.

Mr. McKinley: The record does not show that you rested. It shows that you said you were about through, but counsel tell me that you did not rest.

The Court: My understanding is that there was some such reservation.

Mr. Britt: Yes; that is true. That but for the bringing in of the new parties we would have rested at that time. But inasmuch as new parties were to be brought in it would scarcely have been proper to rest the case absolutely on behalf of plaintiffs. My own impression is that inasmuch as there are several defendants here whose antagonism to plaintiffs in the case is doubtful, and inasmuch as there are so many new pleadings and several new counsel, if the Court will allow us until to-morrow morning to confer with them, as Mr. Leonard suggested here, there is a probability that a stipulation will be arrived at which will eliminate the Quomonga Water Company which is the more important of the new defendants; and if you will allow us till to-morrow morning to gather the loose ends (because it is really more difficult to con-



1 mence the trial in the middle as this is now re-begun than
2 to begin a new case) and it will facilitate the future move-
3 ments of the case and be less annoyance to the Court as
4 well as counsel.

5 The Court: Is that the general consensus of opinion?

6 Mr. McKinley: I don't think any of our side have been con-
7 sulted about that and we want to get along as fast as pos-
8 sible. I suppose Mr. Wright will be here pretty soon.

9 Mr. Britt: You are disclaiming ~~some~~ representing some of
10 the defendants and they have got their independent defenses.

11 Mr. McKinley: I understand that.

12 Mr. Britt: And if we arrange with them about the order of
13 procedure or the extent to which they antagonize the plain-
14 tiffs in the case it will facilitate the movements of your
15 own defense. Mr. Waters suggests that if the other defend-
16 ants here have any witness whom they are keeping with a view
17 to testifying later, we want to take the testimony out of
18 order and are ready to produce it, we have no objection to
19 that.

20 Mr. McKinley: We don't want to do that at all.

21 The Court: There is only one thing I want to say and now
22 is the time to say it: While I am disposed to defer largely
23 to counsel in the conduct of the case, I feel that in
24 justice to other litigants who are endeavoring to be heard
25 I must insist on the case going ahead without any great
26 amount of delay.

27 Mr. Britt: We will cooperate with the Court to that end.

28 Everybody is sincerely desirous that this case should be
29 tried and a trial concluded and the case submitted as quick-

ly as possible, and we don't expect to ask any delays in the matter.

The Court: I think we had better take a recess until half past one, and if Mr. Wright is not here we will go on as we do in regard to other witnesses.

Mr. Britt: We are not offering any excuse for Mr. Wright. Possibly for some reason he has been delayed.

The Court: We will take a recess till half past one o'clock.

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AFTERNOON SESSION:-

C. E. JOHNSON.

C. E. JOHNSON, a witness produced by plaintiffs, being first duly sworn, testified as follows:

Direct Examination.

By Mr. Britt: You have testified before in this case?

A Yes, sir.

Q Have you been keeping any records of the elevation of the water in wells in the neighborhood of the Sunnyside Springs and of the flow of the water from tunnels and similar data of that nature since the adjournment of the trial of this case in February, 1906?

A Yes, sir.

Q Who made the measurements?

A I made them.

Q When you made them did you make any notes?

A Yes, sir.

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

Q What is this paper that you now have in your hand?

A This is showing the measurements. That is, this is the original, I believe.

Q This was made by Mr. E. T. Wright?

A It was made in the office of Mr. Wright from my measurements.

Q Have you gone over this document and checked it up with the original notes made by you of your various measurements?

A Yes, sir.

Q Do you know whether or not this shows the same figures which you entered originally in your notes of those several measurements?

A Yes, sir.

Q It does?

A Yes, sir.

Q Shows them correctly?

A Yes, sir.

Q I notice in the left hand column of this tabulation under "Name of Observer" that J. E. Johnson appears generally, and sometimes E. T. Wright: Are you the person named as J. E. Johnson in that column?

A Yes, sir.

Q Then follows a column with dates entered next to the right of the column containing the name of the observer. State whether or not those dates correctly represent the dates of observations made by you.

A Yes, sir; those are the observation dates.

Q The succeeding columns on the tabulation show the several wells and tunnels and weirs and the quantity of

water measured by you respectively, and the depth of water or depth to water in the wells.

A Yes; those are the points that we measured at.

Q All the data contained in this tabulation correspond to your original notes, do they?

A Yes, sir.

Q State whether or not you made these measurements as a continuation of similar measurements made by you previous to January, 1903?

A They were a continuation of the measurements made prior to that.

Mr. Britt: I will say, gentlemen, that this witness has testified before concerning similar measurements made by him and that the results of his observations have been tabulated and the tabulations are in evidence, as Judge Gregg and Mr. Joliffe will recall. There are some measurements on this tabulation exhibited to counsel which this witness did not make, as it is largely ready to offer in evidence. We will qualify it for admission in a few minutes.

Q Mr. Johnson, on the 11th day of May, 1903, did you make any observation of the elevation of water in the wells of the San Antonio Water Company north of Base Line?

A I believe on that day. Yes. That is my memory of it. About that time.

Q The wells which are mentioned here as the Marshall well, the Rubio well and the San Antonio Water Company's wells nos. 1, 2, 3, 4, 5, and 6, I believe--no, no. 6 was the Rubio well. Was that the series of wells on which--

A The ones above Base Line, yes, sir; the San Antonio

1 wells.

2 Mr. McKinley: What date was that?

3 Mr. Britt: May 11, 1908. Who was with you at that time?

4 A Mr. Trask and Mr. Lecke, I believe, were the parties.

5 Q Mr. Lecke here in the court room now?

6 A Yes, sir; the manager of the San Antonio Water Company.

7 Q The San Antonio Water Company and the Ontario Power Com-
8 pany?

9 A Yes, sir.

10 Q Did you communicate those observations to Mr. E. T. Wright?

11 A Yes, sir.

12 Q Have you examined this plat or chart which I hold in
13 my hand here and which is inscribed "Map of a part of Cusa-
14 monga showing contour lines and water developments at Red
15 Hills"?

16 A No; I have not looked that over.

17 Q And you don't know whether Mr. Wright has put on this
18 map the figures that you gave him?

19 A I can't say as to that.

20 Q You gave him the result?

21 A I gave him the result of the measurements.

22 Mr. McKinley: I don't know whether they are the same figures
23 here, but there are a lot of figures here.

24 Mr. Britt: The figures on this map purport to represent
25 water above sea level. That was for Mr. Wright's
26 calculations. Before we proceed with the further produc-
27 tion of evidence or the cross examination, it would be prop-
28 er to have an understanding with Mr. Leonard who has not
29 made any issue of fact on the part of the Cusamonga Water

1 Company if the testimony which is now coming in and which
2 will come in until his answer is filed, if he files an
3 answer, will be regarded as applicable to any issue raised
4 by him in the answer which he may hereafter file on behalf
5 of the Cucamonga Water Company and the Title Insurance and
6 Trust Company in so far as it may be relevant to those is-
7 sues?

8 Mr. Leonard: It will be so stipulated.

9 Q. Mr. Johnson, in 1903 what business were you following?

10 A. Zanjero of the Cucamonga Water Company.

11 Q. Do you know the location of the well called on this map
12 on the board here, which map is marked "Plaintiff's Exhibit
13 1", no. 14?

14 A. Yes, sir; I know the location of that.

15 Q. On land of the San Antonio Water Company-- I won't
16 say what company the land belongs to-- but indicated as
17 at the head of the Radie tunnel on this plat? The northern
18 end?

19 A. Yes, sir.

20 Q. What time in the year was it?

21 A. It was about June according to my recollection.

22 Q. At that time had the well been connected with a gallery
23 or any other tunnel connection with the Radie tunnel?

24 A. It had been connected by a gallery and was being siphoned
25 out.

26 Q. Was that gallery on a level with the floor of the tunnel?

27 A. No, sir; above the tunnel level.

28 Q. Do you remember how far?

29 A. No, sir; I didn't measure it.

1 Q Was there any water being abstracted from the well at
2 that time?

3 A Yes, sir.

4 Q In what manner?

5 A Siphon.

6 Q How was it operated? Explain the process,-- how the wat-
7 er was taken and what was done with it. I don't know where
8 it was used, but whether it found its way into the Radio
9 tunnel and in what manner.

10 A Well, one leg of the siphon into the shaft leading into
11 the tunnel and the other into the well, and the water was
12 transferred from the shaft into the well connected with the
13 tunnel.

14 Q What sort of a siphon was it?

15 A A cast iron pipe.

16 Q Do you remember the size of it?

17 A I did not. I didn't measure it.

18 Q Did you see it?

19 A I can't say as to that. I believe I did.

20 Q Did you see the water discharging?

21 A It was discharging into the tunnel-- into the shaft con-
22 nected with the tunnel.

23 Q How was the shaft connected with the tunnel? Was it
24 directly over the tunnel?

25 A Yes, sir.

26 Q That is, the Radio tunnel?

27 A Yes, sir.

28 Q About how high above the tunnel was the curve of the
29 siphon?

1 A That I can't say, at the time. I didn't measure it.

2 Q Do you know how high above the tunnel or approximately
3 how high above the tunnel that leg of the siphon was inserted-
4 ed into the well ~~xxx~~^{so} situation?

5 A No, sir; I couldn't tell.

6 Q Do you know at what elevation above the tunnel the water
7 was discharged from the siphon into the shaft?

8 A No, sir.

9 Q Now you say there was a gallery from the shaft to the
10 tunnel-- I mean into the well.

11 A Yes, sir.

12 Q Do you know how high that gallery was above the bottom
13 of the tunnel?

14 A No; I do not.

15 Q What was its depth below the surface of the ground?

16 A I didn't measure it; I don't know; I can't say.

17 Q Do you know whether afterwards there was any further
18 work done connecting the well with the tunnel?

19 A Yes, sir; later on.

20 Q How much later on?

21 A That I couldn't say exactly; probably a year later.

22 Q Who was carrying on this business of siphoning the water
23 from the well into the tunnel?

24 A I understand the San Antonio Water Company--

25 Mr. McKenley: He object to what he understood.

26 Q What did you know about it? Who was bossing the job?

27 A The superintendent at that time I believe was Mr. Hanly
28 and Mr. Leeke was manager of the company.

29 Q That doesn't quite answer the question. I am inquiring

1 who was bossing the job.

2 A Mr. Hanly.

3 Q Did you see anything of Mr. Locke around there?

4 A That I couldn't state exactly. I believe I did, though,
5 at times. It was at various times that I was around in
6 that part of the country in my duty as zanjero.

7 Q You say that work was prosecuted afterwards for the pur-
8 pose of connecting the tunnel and the well no. 14. What
9 sort of work was that?

10 A There was the sinking of the shaft down to the tunnel
11 level-- the shaft around the well-- to get to the tunnel
12 level.

13 Q Then what was done after the shaft reached the level of
14 the tunnel?

15 A They placed a pump in, I believe, testing.

16 Q You say that work was about a year after this siphoning
17 business was going on?

18 A To the best of my memory; yes.

19 Q Did you observe at any time the opening of a tunnel con-
20 nection or the tunnel proper or a branch of the tunnel or
21 extension of the tunnel to the well?

22 A Not directly; no. It was going on during those several
23 years of my superintendency of the Cucamonga Water Company.
24 The exact date I can't testify to.

25 Q Was there an engineer in charge of the work?

26 A Not to my knowledge at the time.

27 Q Did you at any time during the prosecution of that work
28 see Mr. Locke on the ground?

29 A Yes, sir.

Q What was he doing there?

A Simply taking observations, I presume, of the work.

Q I didn't ask you to presume. I ask what you saw him engaged in. Not your inferences, but a thing that you saw Mr. Leeke doing there in connection with the diversion of water.

A Being manager of the company he must have been looking after the work.

Cross Examination.

Mr. McKinley: Q How long were you zanjero?

A About five years.

Q During what years was that?

A From 1901.

Q Had you been assistant zanjero at any time before that?

A At several different times; yes, sir.

Q You worked a good many times there?

A Yes, sir.

Q With regard to these dates you are not able to fix them very exactly?

A Not very exactly. I kept no note at that time of the dates.

Q At the time you made these measurements indicated on this chart did you make any other measurements?

A There were a few that were made by myself/ Mr. Leeke and Mr. Trask that are not on there,-- the depth of the San Antonio wells.

Q Were there any others than that made by you at any of these times?

A None but what is shown on the tabulation.

1 No others than what were made along with Mr. Locke and
2 Mr. Trask?

3 A Yes, sir.

4 Q What is the well that you designate as well no. 9 here,
5 Mr. Johnson?

6 A That was at the head of the Lone Star tunnel-- the Caca-
7 mough Water Company's property.

8 Q Designated "6" here?

9 A That is the proposition.

10 Q It is the one designated on the map as well no. 6, 1897?

11 A Yes.

12
13 Examined by Mr. Haskell:-

14 Q I understood you to say that sometime in 1903 there was
15 a siphon connecting the no. 14 well with the Erie tunnel.
16 Now, standing on the surface of the ground could you look
17 down on the well and see the top of the siphon entering the
18 well?

19 A Yes, sir.

20 Q About how far from the surface of the ground was it to
21 this siphon?

22 A I didn't measure that. I couldn't state the exact dist-
23 ance.

24 Q You could state approximately, couldn't you?

25 A That siphon was changed at times. From my observation at
26 the time I should judge it was about 60 or 70 feet down,
27 just looking at it.

28 Q How many feet?

29 A About 60 or 70.

Re-Direct Examination.

Mr. Britt: You say you were zanjero for the Cuxamonga Water Company five years commencing with 1901?

A Yes, sir.

Q Between that time or after that time did the Cuxamonga Water Company open any new wells communicating with the Eddie tunnel?

A Yes, sir.

Q How many?

A One.

Q Could you locate that well on this map plaintiff's exhibit 1?

A Yes, sir.

Q Point it out if you please.

A The one right here-- no. 2, as it is called, on the map here. That can't be the one at that date though. That was opened up just before I went on-- the season before I went on.

Q So that well was not opened during the time you were zanjero?

A No, sir; not that one.

Q Well, never mind about that. Mr. Wright, I think, will know about that. I will not question you farther on the subject. During the time you were zanjero of the Cuxamonga Water Company where was that company using the water which it drew from the Eddie tunnel?

A On the lands of the Cuxamonga colony.

Q Do you know what quantity?

A That varied at different times.

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3	3. The third is the most common.
4	4. The fourth is the most common.
5	5. The fifth is the most common.
6	6. The sixth is the most common.
7	7. The seventh is the most common.
8	8. The eighth is the most common.
9	9. The ninth is the most common.
10	10. The tenth is the most common.
11	11. The eleventh is the most common.
12	12. The twelfth is the most common.
13	13. The thirteenth is the most common.
14	14. The fourteenth is the most common.
15	15. The fifteenth is the most common.
16	16. The sixteenth is the most common.
17	17. The seventeenth is the most common.
18	18. The eighteenth is the most common.
19	19. The nineteenth is the most common.
20	20. The twentieth is the most common.
21	21. The twenty-first is the most common.
22	22. The twenty-second is the most common.
23	23. The twenty-third is the most common.
24	24. The twenty-fourth is the most common.
25	25. The twenty-fifth is the most common.
26	26. The twenty-sixth is the most common.
27	27. The twenty-seventh is the most common.
28	28. The twenty-eighth is the most common.
29	29. The twenty-ninth is the most common.
30	30. The thirtieth is the most common.
31	31. The thirty-first is the most common.
32	32. The thirty-second is the most common.
33	33. The thirty-third is the most common.
34	34. The thirty-fourth is the most common.
35	35. The thirty-fifth is the most common.
36	36. The thirty-sixth is the most common.
37	37. The thirty-seventh is the most common.
38	38. The thirty-eighth is the most common.
39	39. The thirty-ninth is the most common.
40	40. The fortieth is the most common.

1 Varied within what limits?

2 A Well, from 30 inches to the neighborhood of 100.

3 Q Were any of the wells which-- wells of the Cucamonga
4 Water Company-- which opened into the tunnel capped at that
5 time?

6 A Yes, sir.

7 Q Which?

8 A This well that we have reference to-- well no. 2-- was
9 capped at one time, and they also capped another one or
10 tried to cap it, the one I refer to as to our capping further
11 on.

12 Q Did you succeed?

13 A Not successfully, no. It was impossible to hold the water
14 down.

15 Q When was it that you made that attempt?

16 A I couldn't state exactly-- About 1905 or 1906.

17 Q Were any of the others capped?

18 A We had one more further down the tunnel that was capped
19 that was successful.

20 Q Was it capped all the time?

21 A Except when we were drawing for irrigation.

22 Q How many were there in all?

23 A There were three wells.

24 Q Only three of the Cucamonga Water Company?

25 A Yes; in operation.

26 Q Now, Mr. McKinley, in the examination.

27 Mr. McKinley: Q You testified before in the case about
28 this siphon connection being made on June 8, 1903, and that
29 you made a measurement of the water on June 19, showing the

TABLE 1. Summary of results.

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Continued on next page

1 water flowing over the weir no. 4-a after the siphoning of
2 the well no. 14 into the tunnel, 255 inches. That water did
3 that measurement include? If you would like to look at this
4 testimony to straighten out in your own mind just what I
5 am asking you about, you may do so.

6 A I would like to refer to it. (Is that transcript?)

7 Q It is not a contradiction reflecting on your testimony,
8 or anything, but just to find out what that referred to.

9 A This must have been the water flowing from the San Antonio
10 Water Company's tunnel over weir 4-a.

11 Q That all did that include?

12 A That includes the siphoning and the general flow of the
13 tunnel up to the 90-acre tract, over the weir at 4-a.

14 Q At that time how far above the 90-acre tract did the
15 tunnel run?

16 A I can't state the exact measurement. It ran some distance
17 above there. It was very close up to well no. 14.

18 Q Which is the well no. 2 that you refer to as having been
19 hard to cap?

20 A The one shown on the map here in the 90-acre tract. The
21 one right here.

22 Q Previous to this capping how much water were you getting
23 out of it?

24 A That water varied at times. When I took charge of the
25 company there was about 100 inches flowing from that
26 branch of the tunnel. I made no direct measurements of the
27 well. It all intermingled with the tunnel projected out to
28 the well-- that is, going out to the well.

29 Q 100 inches from the branch over to 2?

1 A Yes, sir.

2 Q About what time was that?

3 A That was about 1901 or in the fore part of 1902. I took
4 charge, I believe, in December, 1901, and it must have been
5 in 1902 that I observed this water from that point.

6 Q How long did that flow continue?

7 A It continued a short time and gradually decreased through
8 the summer.

9 Q Until when?

10 A The dates I can't state.

11 Q About how long?

12 A For several months.

13 Q About when was it that you capped it?

14 A The capping was later on. The dates I can't say. I be-
15 lieve about 1906.

16 Q What sort of a flow of water was there from it just be-
17 fore you capped it?

18 A The water had decreased quite a bit, and I believe that
19 another well had been connected by that time, so that would
20 change the measurement again at that point.

21 Q How much water was there there when you capped it?

22 A I couldn't state the exact amount.

23 Q I don't care for the exact amount, but just approximate-
24 ly.

25 A I believe it was in the neighborhood of 150 inches, to the
26 best of my recollection, from the two wells and the tunnel.

27 Q Two wells and the tunnel on the side of well no. 2?

28 A Passing over that weir 4-a.

29 Q But I am talking about the well that you capped. This

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1 well no. 2.

2 This is projected further out here. Here is where the
3 measurements were taken.

4 Q Weir 4-a?

5 A Yes, sir.

6 Q How much water was flowing from that well no. 2 at the
7 time you capped it?

8 A I c n't state. I never measured it.

9 Q You have observed the water and made innumerable meas-
10 urements of that Cucamonga region?

11 A I can't state the exact amount.

12 Q I don't want the exact amount but just simply in the
13 neighborhood, and quite a little distant neighborhood, too.

14 A That water varied at different times. I can't make any
15 exact statement of it.

16 Q I don't want it exact, but just generally, at the time
17 you capped it. About how much water was flowing out of it?

18 A That I don't remember.

19 Q What did you cap it for?

20 A For the purpose of storing the water for summer irriga-
21 tion and trying to hold it back.

22 Q This was in the fall?

23 A Yes, sir.

24 Q What did you do with that well next summer?

25 A We tried the same performance but not with any more
26 success.

27 Q You took the cap off, did you?

28 A In the spring; yes, sir.

29 Q What water did you get that year from that well?

1 I have no direct recollection only what was tabulated. I
2 don't know whether there was any tabulation of that or not.

3 Q Did you get any considerable quantity of water from that
4 well no. 2 either of those years?

5 A There was some increase; yes, sir.

6 Q Was there any considerable production from well no. 2
7 either of those years?

8 A The production was simply lessened by some other in-
9 fluence there. There was never the same amount as when I
10 first took charge of the water.

11 Q I am trying to find out what you got from that well.

12 A There wasn't the quantity of water there was in 1902.

13 Q How much do you say there was from that well no. 2 in
14 1902?

15 A Approximately 100 inches. That is, not direct from the
16 well but from the well and tunnel combined.

17 Q But from the well itself? Wasn't that well no. 2 always
18 worthless?

19 A No, sir.

20 Mr. Haskell: Q Do you know whether any of the wells in the
21 Madie tunnel were capped during the winters of 1907, '8
22 and '9?

23 A The lower well was capped each year that I was on the
24 service.

25 Q Do you know whether it was capped last winter or not?

26 A I do not.

27 Q The winter before or not? 1907 and '8?

28 A That I can't state. No, sir; I can't state.

1 J. T. WILKINSON, A. T. WILKINSON.
2 J. T. WILKINSON, heretofore sworn and examined, being re-
3 called by plaintiff, testified as follows:

4 DIRECT EXAMINATION.

5 Mr. Britt: Referring to the plat which was shown to
6 the last witness, purporting to be a tabulation of the wa-
7 ter developments at the Red Hills at Cucamonga, Cal., state
8 whether that was made by you or under your direction.

9 A It was made in my office and the quantities there were
10 calculated from the figures turned in by Mr. Johnson, except
11 in a few cases where I made the measurements myself and also
12 tabulated them myself.

13 Q Do the tabulations correctly reproduce those figures turn-
14 ed in to you by Mr. Johnson and your own observations?

15 A Yes, sir.

16 Q You may explain what is shown by this tabulation.

17 A You mean the object of the tabulation?

18 Q No, no. I am not asking about that. The name of the
19 observer appears in the left hand column?

20 A Yes, sir. In my column as we made these measurements
21 where the name J. T. Wright appears there are you the
22 person whose name is thus given?

23 A Yes, sir.

24 Q The next column to the right, is dates: What does that
25 show?

26 A That shows the date of the measurement on the ground.

27 Q The next column is "weir no. 1."

28 A That is weir no. 1, which is the water going to the
29 Cucamonga Water Company.

I, BENJAMIN
OFFICIAL REPORTER,
SUPERIOR COURT.

1 Situated where?

2 A It is at the mouth of the Radio tunnel and it was at
3 the division box between the San Antonio Water Company and
4 the Cucamonga Water Company. The weir no. 2 shows the San
5 Antonio Water Company-- that is the water flowing to their
6 system.

7 Q Where is that situated with reference to weir no. 1?

8 A It is adjoining-- right together-- in the same box.

9 Q Do those two weirs measure all the water issuing out of
10 that tunnel?

11 A Yes, sir. The next column shows the sum total of the
12 water combined of the two weirs.

13 Q And the fourth column?

14 A The fourth column is shaft 7-B. It should be 7-A. It
15 is just the elevation or depth as explained in the heading,
16 depth from top of shaft to water at shaft 7 which is just
17 below the Base Line on the 35-acre tract on the Cucamonga
18 Water Company's property. It is a measurement made down to
19 the surface of the water.

20 Q If there is any correction to be made there from shaft
21 7-B to 7-A--

22 A It is marked 7-B. You can call it that. But 7-A is what
23 Mr. Johnson turned in. It is the same place. There is no
24 other 7-b. It is simply a name to designate it.

25 Q Where is it?

26 A It is on what is known as the 35-acre tract and it is
27 marked on this exhibit 1 as "Well E" at that point. There is
28 a shaft at that point and that is the place where the mea-
29 surements were taken.

1 Q You had better change that with ink.

2 A Yes. It is the same point. It is arbitrary.

3 Q Where is that shaft situated with reference to the Lone
4 Star tunnel?

5 A It is on the Lone Star, almost directly over the Lone
6 Star tunnel, and reaches down to the water that flows out
7 through the Lone Star tunnel by gravity through the 35-acre
8 tract and comes out near the Old Settlers box on Hallman
9 Avenue.

10 Q What do the figures in that column of the tabulation
11 show?

12 A They show the distance from the top of the shaft, which
13 is a cement pipe, to the water in the tunnel-- the elevation
14 of the water in the tunnel. The reason those figures were
15 taken was because the tunnel was bulkheaded at some time
16 of the year and the water is backed up, part of the time so
17 as not to have a free flow.

18 Q So that the figures there do not represent the depth
19 from the top of the shaft to the running water in the tunnel?

20 A No, sir; it was the elevation of the water standing there.

21 Q What does the next column show?

22 A In the next column is shown no. 4 and 4-A, which is a
23 continuation of one of the other exhibits taken for four
24 or five years, and shows the elevation of the water in the
25 Radio tunnel at that point. That is, the depth from the top
26 of the wooden box that was there to the surface of the water,
27 and that has been bulkheaded all the time, and seldom reach-
28 es down to the level of the tunnel.

29 Q You mean it has been bulkheaded all the time?

1 A I mean the last two or three years, since it was bulk-
 2 headed. The next column is the water flowing at the mouth
 3 of the Y tunnel, which is a new column from our other tes-
 4 timony, and shows that the water commenced flowing-- at
 5 least the first measurement we had-- March first, 1908, and
 6 the water continued flowing from the mouth of the "Y" tunnel
 7 till August 30, 1908.

8 Q You say this is a new column?

9 A It is a column that was not introduced in any of the
 10 other tabulations because there was no water flowing there.

11 Q Do you know at what time the water first began to flow
 12 from the mouth of the "Y" tunnel?

13 A Yes, sir; it was between February 23 and March 1st,
 14 1908.

15 Q And it continued to flow about till next September?

16 A The last measurement that was flowing was August 30,
 17 and the next measurement was September 6, and there was none
 18 flowing. So it was between those two dates.

19 Q What is the next?

20 A Then there was none flowing until--it says flowing,
 21 and commenced flowing again about the first of February of
 22 this year and is now flowing again. The different quantities
 23 are given here.

24 Q The next column is what?

25 A Weir no. 5, which shows whatever measurements were made
 26 of the water that was pumped from what is called Well no.
 27 9 at the head of the Lone Star tunnel-- Chesapeake Water Com-
 28 pany's water.

29 Q The next column is a cement shaft north of the bulkhead on

the Lacle Tunnel, which shows the measurement from the top of the cement to the surface of the water, which is practically the same measurement as given before by 4 and 4-1 a shaft. It would be the same water only 2000 feet apart perhaps. The next column is weir no. 7 which shows the total amount of water flowing at the mouth of the Lone Star tunnel at the lower level, which is at the Old Settler's division box. The next column is weir no. 8 which is all the water flowing at the division box by the reservoir above the winery. Half goes to the Jacksona Water Company or Old Settlers and the other half to the Jacksona Vineyard Company.

And then comes the eight columns next of the wells 1, 2, 3, 4, 5, 6, 7 and 8 of the San Antonio Water Company--

Situated where?

A Well, north of Base Line-- which shows simply the dates when they were pumping; or when, ^{not} pumping. ~~There~~ There is no quantity of water except one particular day., because we had no access to measure the quantity of water, but simply the dates when they were pumping.

It doesn't show the quantity pumped but the dates when they were pumping?

A The dates; that is all. We had no way of measuring. And beyond that is the Hollman well no. 2 which is at times that it was not flowing, showing the distance below the top of the casing. It is a continuation of the measurements made before. The next is artesian well no. 2, which is a continuation of the former measurements, and it is the distance from the top of the wooden shaft to the surface of the water in the artesian well in the 90-acre tract.

Those distances are given in what?

A Feet and tenths of feet.

Q It looks like feet and hundredths.

A Yes, sir; feet and hundredths. 40 hundredths is four tenths.

Q That is so with the Hellman well no. 2 and the artesian well no. 2?

A Yes, sir; and also so with the shaft no. 4 and 4-A and the shaft no. 7-A.

Q These quantities of water in the various columns are given in what?

A In miners inches and hundredths of miners inches.

Mr. Britt: If we had our table which contains this tabulation-- the measurements which this tabulation is mostly a continuation of, I would have asked to have this marked as an exhibit connected with that in some way.

A I would like to ask the attorneys to have white prints made of this. I would like to have some prints of it. I haven't any myself.

Q I ask your attention to this chart called "Map of a part of Cucamonga showing contour lines and water developments at the Red Hills." Now in the first place I inquire if this map was made by you and under your direction?

A Yes, sir; it was made in my office.

Q It purports to be a map of part of Cucamonga: What is the meaning of the term Cucamonga in that sense?

A Well, a district.

Q Does it show a scale?

A Yes, sir; scale 500 feet to an inch.

1 And shows the locality of the Red Hill and the ele-
2 vations of the land in the neighborhood-- including the ele-
3 vations of the Red Hill?

4 A Yes; the contours below the base line were the same con-
5 tours as shown on exhibit 1 and above the base line for a
6 quarter of a mile above the base line, where levels were run
7 in March or April of last year, and from that contours made
8 to connect with the map in exhibit in this case. It simply
9 showed the contours a quarter of a mile north of where the
10 present map is.

11 Q Were the contours obtained by yourself?

12 A Yes, sir.

13 Q From observations made in the field?

14 A Yes, sir.

15 Q And on this map how have you plotted them?

16 A I have worked the levels of the other contour lines so
17 that they are continuous with those contour lines shown on
18 exhibit 1.

19 Q And is that map drawn on the same scale as exhibit 1?

20 A Yes, sir.

21 Q 300 feet to an inch?

22 A Yes, sir.

23 Q It shows the contours how much farther north?

24 A A quarter of a mile. The distance of two of those
25 block lines of the Homestead Association. It also shows the
26 location of the Sourvine well and the Sunset wells and the
27 Johnson well I think was located here, and it shows in ad-
28 dition the elevations as sent in to me by Mr. U. M. Johnson
29 of May 11, 1900, of the elevations of water which I have cal-

culated above sea level to agree with the other elevations introduced last week.

Q There are those water elevations which you mentioned inscribed on this map?

A Just adjoining the development of the San Antonio Water Company's wells; and also the other wells there put down. There are several of them, as the Old Settlers' well, I think, and I guess the Sourvine well is down there, or the Upland Water Company,-- and the wells that Mr. Johnson reported to me at that time are put down on this map.

Q That is, his report--

A His report of the measurements he made, and also in addition to Mr. Cousins' measurements and some of Mr. Trask's of two years ago, of the different dates, that were introduced in evidence.

Q The elevations here noted on this map of the several wells, or rather, the marks which indicate the wells on the map show such elevations at the various dates which they are represented on the map as exhibiting?

A It gives the date and elevation above sea level. It is all the same datum plane.

Q Take the Haskell well for example.

A Here it reads May 11, 1903/ elevation of water 1375.30. May 10, 1907, water 1359.75, showing a difference of 16 feet in a year's time. And then on this well no. 8, well no. 7, it also shows practically the same difference. May 10, 1907, 1362.36 and May 11, 1908, elevation 1375.10.

Q You placed on this map the various wells which are found also in exhibit 1?

1 A Yes, sir; I think they are all placed on the map. I
2 placed all the wells that were introduced in evidence that I
3 remember of, and it was made intending to show the infor-
4 mation that was given in testimony mainly of an additional
5 information of the contour lines and the new measurements in
6 the wells.

7 Q Does it show the location of the Radie tunnel?

8 A Yes, sir.

9 Mr. Britt: We offer this map in evidence at this time,
10 to be marked plaintiffs' exhibit in its order.

11 Mr. Britt: Now in the fourth amended complaint on the part
12 of plaintiff it is alleged that sundry wells and tunnels
13 are situated on certain described tracts of land as, for
14 instance, that the San Antonio Water Company's wells 1 to
15 8, I think they are numbered, (which includes the two Haskell
16 wells and the Rubio well and five others) are situated on a
17 certain tract of land, and then that the Radie tunnel and
18 certain wells are situated on another. And I would like to
19 inquire if there be any dispute about those things. I do
20 not desire to ask Mr. Britt concerning them if it can be
21 agreed that they are correctly located on the pieces of land
22 described by notes and bounds,-- the several wells and tun-
23 nels mentioned in the complaint.

24 Mr. Joliffe. They are on a piece of land which adjoins
25 section 4, but some of the wells are a long distance from
26 it.

27 Mr. Britt: I am not saying anything about the distance, but
28 merely that those wells are situated on the particular tracts.

29 Mr. Joliffe : They are on lands belonging to the San Antonio

1 Water Company.

2 Mr. Britt: The parcels described in the complaint?

3 Mr. Joliffe: I presume that is correct but I don't know it.

4 Mr. Britt: We had better take it up with you later on, and
5 I will not interrogate the witness on the subject now.

6 Mr. Wright, referring to this tabulation of measurements
7 of water developed at the Red Hills ~~xxx~~ ~~xxx~~ at Cucamonga,
8 California, containing the report of the observations from
9 January 5, 1908, until February 23, 1909, have you examined
10 those figures with a view to observing if they corresponded --
11 or the relationship, rather, -- between the time of the
12 pumping of the San Antonio Water Company's wells and the
13 elevation of the water in the "Y" tunnel or any other wells?

14 A Yes, sir.

15 Q What do you find?

16 A I find that soon after they commenced pumping the water
17 dried up in the "Y" tunnel, and then began to flow down be-
18 low, some distance below the top of the pipe line, and the
19 lowest it reached was 5.8 feet below the top of the iron
20 pipe of the well-- the 15-inch well; and when they ceased
21 pumping it began gradually to rise until in February of
22 this year it began to flow again.

23 Q What inference do you derive from those circumstances?

24 A That pumping the wells affected the flow of the water
25 in the "Y" tunnel.

26 Q In what way?

27 A It decreased the quantity of water there. It lowered the
28 plane.

29 Q Do you know anything about any pumping of wells to the

1 west of the Red Hill in the Lodie tunnel or wells discharg-
2 ing into the Lodie tunnel?

3 A Not for some four years past.

4 Q Has there been any pumping there during that time?

5 A For four years? No, sir.

6 That tabulation 11 will show the last pumping that was done
7 there. That was from the wells no. 14. And it shows that it
8 drops 50 or 70 inches when they stop pumping. The flow of
9 the tunnel drops all in one day.

10 Q Do you know anything about the capping of wells which
11 discharge into the Lodie tunnel? Have you made any observa-
12 tions on that subject?

13 A No, sir; I didn't know there was any capping of wells
14 there except the well that we call weir no. 2, a small well
15 down in the cement shaft. I think it was capped at one time,
16 but there could be no capping for the last two or three years
17 and I don't think there is any, for I have been measuring
18 water since 1906. I don't know of anything being capped,
19 but I won't state that fact of my own knowledge.

20 Q How often have you observed the wells?

21 A Pretty carefully. Since 1904 myself or some of the men
22 were there every week almost.

23 Q Which of the wells have you observed carefully and at
24 frequent intervals during that time?

25 A Well, it would be the flow of the water, more especially,
26 than the wells themselves. I didn't go down to the wells
27 by any means. That was 80 to 100 feet below the surface.

28 Q Do you know the water system of the Cocomonga Water Com-
29 pany?

1 A Yes; pretty well.
2 When the water flowing out of the Ladie tunnel escaped
3 from the weirs at the mouth of the Ladie tunnel (I think
4 you call them weirs 1 and 2 in this tabulation, have you not?

5 A Yes, sir.

6 Q When the water is discharged over the weir no. 1 how is
7 it received into the system of the Cucamonga Water Com-
8 pany? Through what sort of a conduit?

9 A A pipe line; a cement pipe line. I think it was some
10 years past all gone into what is known as the Ladie reser-
11 voir. There may have some of it gone to the west of that,
12 but most of it goes down to that reservoir first.

13 Q From the reservoir where is it taken?

14 A Taken through the pipe line to irrigate the various
15 pieces of land belonging to-- well, it used to be the Cu-
16 camonga Fruit Company and the Settlers.

17 Q Situated where?

18 A South and west mostly. South of the main body. But
19 they took it to the east and west both of the mouth of the
20 main tunnel.

21 Q Did any of it reach any point where it could by gravi-
22 tation, percolation or otherwise replenish the Cucamonga
23 springs?

24 A No, sir; the mouth of the tunnel itself is as low as
25 most any of the springs. Where it is turned onto the surface
26 for any irrigation it is entirely below the springs.

27 Q How about the creek or stream called Cucamonga Creek about
28 which testimony has been given? Is there any chance for any
29 of it to reappear in that creek?

1 A Not within half a mile of the source of the water of
2 the springs. It could come out a mile below those in the
3 early part, possibly, if there was enough of it.

4 Q That would, however, be that any part of the Sunbury
5 Creek except in times of flood?

6 A None except in times of flood.
7 Q I believe it has appeared already that the slope of the
8 land from the north of the Erie tunnel is to the south or
9 southerly.

10 A Yes, sir.

11 Q There is that reservoir situated that you spoke of with
12 reference to the north of the Erie tunnel?

13 A About 600 feet south and east a trifle. It is shown
14 on exhibit no. 1 as reservoir no. 4.

15 Q After the water emerges from the tunnel and passes over
16 the weir no. 1 is there any part of it that then finds its
17 way into the system of the Ontario Power Company or the San
18 Antonio Water Company?

19 A I don't think any of it that passes over weir no. 1 does.
20 Not to my knowledge.

21 Q The division of water between those companies is made
22 above the weirs or at the weirs?

23 A Well, it is made at the weir. There are two weirs side
24 by side, flowing over the same elevation.

25 Q Do you know the situation of the water plant or system
26 of the Sunset Water Company?

27 A Yes, sir. I don't know so much about their distributing
28 or just where they distributed to.

29 Q No; but their source of supply.

1 A Yes, sir; I think it is located on that exhibit. They
2 have two wells that they pump from.

3 Q Are they shown on this plat here-- the last one intro-
4 duced?

5 A Yes.

6 Q The Sunset Water Company obtains water from what source,
7 tunnels, springs, streams or what?

8 A From two wells located in lots 4 and 5 in block 8 of
9 the Cucamonga Homestead Association.

10 Q Indicated on this map last introduced in what way?

11 A One is marked as sunset well no. 1 and shows the elevation
12 of the ground and the water at a certain date, and the
13 other is sunset well no. 2.

14 Q And in what manner is the water obtained from those wells?

15 A By pumping.

16 Q And in what manner is it transported for use?

17 A By a pipe line to the different consumers.

18 Q Those wells are not connected with any tunnel to your
19 knowledge?

20 A No, sir.

21 Q And when not pumped do they flow in any way?

22 A They don't flow over the surface.

23 Q They don't flow at the surface?

24 A No, sir. At this date given here the water was 91
25 feet below the surface, on May 11, 1908.

26 Q What was the depth to the water in the other one?

27 A I haven't got the depth of the water in the other one.
28 It was shut up and locked and it wasn't measured that day.

29 Q How does it compare, if you know, approximately?

1 A I don't think I could make any statement.

2 Q How many of these sunset wells are there?

3 A Two.

4 Q Are there only two?

5 A Of the sunset wells, that is all I know of.

6 Q And they are both marked respectively as Sunset well
7 no. 1 and Sunset well no. 2?

8 A Yes, sir.

9 Q What is the source of supply of the Hermosa Water Company?

10 A They have a well in lot 6, block 7 of the Encino Home
11 stead Association delineated on this exhibit and marked
12 Hermosa well.

13 Q Elevation ground 1507. That is the elevation of the sur-
14 face of the earth?

15 A Yes, sir.

16 Q How is the water obtained from that well?

17 A By pumping.

18 Q When it is not pumped does the water flow at the surface
19 or escape in any other manner?

20 A It does not flow to the surface and does not escape
21 for use in their system in any manner.

22 Q There is no tunnel in connection with the system?

23 A No, sir; no connection except by pumping.

24 Q What was the depth to the water in that well when you
25 made your observation?

26 A It is not given.

27 Q Do you know approximately?

28 A No, sir; but it is over 100 feet. I know that much.

29 Q J. J. Atwood has a well, has he?

1 A I don't think I know of any J. J. Atwood well.

2 Q Do you know of the water plant or system of Samuel John-
3 son?

4 A Yes, sir.

5 Q What does it consist of?

6 A It consists of a pump and a well located in the north-
7 west corner of lot 8, block 8 of the Cucamonga Homestead
8 Association as delineated on this map.

9 Q Is it marked on the map to which you refer?

10 A It is marked "Johnson Well. Elevation ground 1449, May
11 11, 1908 elevation water 1356."

12 Q 1356 feet?

13 A Yes, sir. There is a difference between the two, so
14 that the water would be 93 feet below the surface.

15 Q How is the water obtained from this well?

16 A By pumping.

17 Q When it is not pumped does the water escape from the well?

18 A No, sir; it does not escape from it at the surface; not
19 for use.

20 Q Do you know anything of the plant of the Inland Water
21 Company?

22 A Yes, sir.

23 Q Where is it situated?

24 A In the northwest corner of lot 7, block 16, Cucamonga
25 Homestead Association tract.

26 Q What does it consist of?

27 A It consists of a bored well and a pumping plant, and is
28 sometimes designated as the Montwine well.

29 Q Any other way of getting the water from the well save

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1 by pumping?

2 A No, sir.

3 Q When it is not pumped does the water escape from the
4 well?

5 A No, sir.

6 Q Can you give the location?

7 A I did give the location. It is located on this exhibit
8 and I called it off.

9 Q Are these several wells and plants that you have mentioned
10 within the confines of the territory delineated on this map,
11 the last exhibit?

12 A Yes, sir; they are all shown on this exhibit.

13 Q State if they are shown with approximate accuracy as to
14 location?

15 A They are accurate.

16 Q And the scale being applied to the map will show the
17 distances from the Little tunnel and from the Cuckson
18 Springs and other localities indicated on the same map?

19 A Yes, sir.

20 Q Do you know whether water is obtained from the Sunset
21 Water Company's wells at any period of the year?

22 A Yes, sir; the chart that Judge McKinley has shown at
23 what times they were pumping this past year.

24 Q They did pump some water?

25 A Yes; they pumped water last summer.

26 Q Does the chart show the quantity?

27 A No, sir; I have no way of measuring.

28 Q Is any water taken from the Sunset Company's wells for
29 any purposes-- industrial purposes?

1 A I don't know.

2 Q You have never seen those wells or never have been on
3 the ground when the wells were pumped?

4 A No, sir.

5 Q What do you know about the Daniel Johnston well?

6 A I never was on the ground and saw that pumped.

7 Q It is equipped with a pump?

8 A Yes, sir.

9 Q Has he a distributing system of pipes or flumes or ditch-
10 es connecting with the well?

11 A Only from what he told me.

12 Q What did he tell you?

13 A That it was used for his own property-- for his own
14 ground only.

15 Q The Upland Water Company: its well is sometimes refer-
16 red to as the Lourwine well. Is that equipped with a pump?

17 A Yes, sir.

18 Q Do you know whether water is pumped from that for
19 irrigation or other purposes?

20 A Yes, sir; it flows in a pipe line, presumably to Ontario,
21 and utilized there.

22 Q The Atwood well, I believe you say you know nothing about.

23 A I never heard of it.

24 Q I believe there was a piece of land containing the Rubio
25 well sold or passed to the possession of the party named
26 Atwood. Do you know the Rubio well?

27 A Yes, sir. (Reporter reads question and answer from
28 lines 18 to 21.)

29 Q The quantity of pressure is unknown to you?

1 A. I have had measurements twice over a year ago. It is
2 between 20 and 30 inches, so far as quantity went.

3 Q. This Rubio well has never been measured by you, I think?

4 A. I don't think I have ever seen them pumping there per-
5 sonally into their system. I don't know that I have.

6 CROSS EXAMINATION.

7 Mr. McKinley: There are a few questions that I want
8 to ask about other matters. Mr. Wright, in your testimony
9 before you referred to the "Y" tunnel being put down by
10 agreement or understanding with Mr. Hellman in behalf of
11 yourself and the other owners of the property: Were there any
12 written agreements between your company and Mr. Hellman as
13 to the development on that side?

14 A. No, sir; not to my knowledge.

15 Q. One of those wells was put down about 1877 or 1900 by
16 an agreement between some of the Class B people as they
17 were called at Cusamona and the water company and the
18 owners of the land, was it not?

19 A. I think both wells were put down under the same agree-
20 ment that Mr. Hellman for the land owners was to pay half
21 of the bill or 3/8, I am not sure which, and the Class B
22 were to pay a certain pro rata, which I have forgotten how
23 much, and the Water Company and possibly the old settlers--
24 Class A.

25 Q. Was there any written agreement?

26 A. To my knowledge there was not. There might have been
27 with the Class B people.

28 Q. With Hellman, was there?

29 A. I don't think so.

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1 The Radio tunnel was put in, the first portion of it,
2 by the Suckomona Fruit Land Company, was it not?

3 A All of it up to 1905, and possibly a year later.

4 Q Was I. W. Hallam connected with the Suckomona Fruit Land
5 Company?

6 A He was one of the stockholders and possibly president.
7 He was one of the directors.

8 Q During some of the time he was president?

9 Mr. Britt: He object to the inquiry as irrelevant and immater-
10 ial.

11 Mr. McKinley: It is probable that he was the owner up to
12 1895 when he conveyed to these companies; and we desire to
13 show his relationship to the developments that were made
14 there, and it is competent up to that time, at least.

15 Mr. Britt: There is no complaint made here about any acts
16 prior to 1895 or for any years afterwards.

17 Mr. McKinley: The theory of our case is and we expect to
18 show that the things that produced this condition were done
19 prior to 1895, and we are entitled to go into the case and
20 show ~~if that fact~~ ^{everything that} occurred there and what was done in regard
21 to it and what produced it and the result produced and that
22 it was not our fault.

23 Mr. Britt: And I object further on the ground that it is
24 not proper cross examination.

25 Mr. McKinley: It is not cross examination as to this to-
26 day, but we have a stipulation under which we can recall
27 witnesses for cross examination, and this witness is here, and
28 and I thought I would save time by examining him now.

29 The Court: This refers to a new defendant.

1 Mr. McKinley: I am very new myself and two of my clients
2 are new.

3 Mr. Britt: Have your clients made any issue on this subject?

4 A They make as plain an issue as the others.

5 Mr. Britt: In any event, the testimony is irrelevant, im-
6 material and incompetent, entirely relating to titles and
7 not proper to be shown by parcel evidence.

8 Mr. McKinley: Counsel has done that already. I am not show-
9 ing title.

10 Mr. Britt: And also relating to matters which were agitat-
11 ed many years-- the first enormities of the company-- by
12 the defendants in this case.

13 ~~XXXXXXXXXXXX~~

14 Mr. Waters. And it is objected to by the Old Settlers'
15 Company as incompetent and not the best evidence.

16 The Court: Sustained. Defendants except.

17 A About when did the Sacramento Fruit Land Company cease to
18 work on the Eddie tunnel, Mr. Britt?

19 Mr. Britt: Objected to as irrelevant and immaterial.

20 The Court: The objection is overruled. Plaintiffs except.

21 A It must have been some time in 1902, probably. They
22 practically were working up to the time they sold their in-
23 terest. They didn't accomplish much in the last year or two.

24 Q How far had it been completed in 1903?

25 A Well, it wasn't up to the end of the 90-acre tract. It
26 was in the upper portion somewhere and there had been no
27 work done there for six years or five years on it.

28 Q The work that was done was in the early history?

29 A Yes, sir; in 1898 or 1899.

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1 Referring to the table introduced here, Mr. right, you
2 drew a conclusion that the pumping was affecting the waters
3 shown at weir no. 8, as I understood it.

4 A The "Y" tunnel.

5 Weir no. 8 also.

6 A I didn't make any statement as to that.

7 Q You didn't make any statement as to weir no. 8? Your
8 statement is entirely as to the "Y" tunnel?

9 A That is what I stated. I don't know whether I know what
10 the figures show about the other without comparing them.

11 Q Your reference was simply as to the "Y" tunnel?

12 A Yes, sir; I was quoting from the "Y" tunnel.

13 Q Did you make any measurements other than the measurements
14 contained -- or have anyone else make any measurements--
15 other than those contained on this plat of the waters that
16 were being taken in that ~~originally~~ region?

17 A No, sir.

18 Q You made no measurements?

19 A Mr. Johnson made a measurement of the elevation of water
20 shown in the well.

21 Q But no measurement of the water taken by the Sunset well?

22 A Not as to quantity.

23 Q You did not later the idea that the Sunset well was
24 pumping--

25 A We had no way of measuring the San Antonio Company's
26 wells or the Sunset well or the Barrosa or the Johnson wells
27 because they were all shut up so that we couldn't have access
28 to them.

29 Q What is the effect of the pump on the water of the "Y"
tunnel?

1 A It generally decreases.

2 Q At what period?

3 A Along in the middle of the summer it begins to fall slightly, as the measurements will show better than any other way, and they are introduced here in evidence.

4 Q Will you describe what development the Cucamonga Water Company has made, what construction has been made, other than the tunnel which is shown on the map here which I think you have described before?

5 A Within the last two years?

6 Q Yes, sir; well, since 1898.

7 A Stowell dug a tunnel through the 55-acre tract and when the Cucamonga Company purchased that they continued it, and about three or four years ago made a connection with what was known as the Lone Star tunnel at a lower elevation of over--
8 50 or 60 feet below.

9 Q And that tunnel starts near the place where the figures are printed on section 3?

10 A Yes, sir; the Old Settlers' box, practically.

11 Q And continues to this 55-acre tract?

12 A Yes, sir; and on through lots 6 and 11 of the Cucamonga Homestead tract.

13 Q Were any wells put down along that tunnel? A I think one well only in the last ten years.

14 Q Were the wells being pumped by the Cucamonga Water Company during the period that the tabulation shows?

15 A The tabulation shows that well no. 9 at the end of the Lone Star tunnel was pumped.

16 Q That is marked no. 6?

17 A Yes, sir; on exhibit 1.

1 Q Were there any other wells being pumped by the Cucamonga
2 Water Company?

3 A It might show that they were pumping occasionally at a
4 shaft, marked "J" in lot 12, on Exhibit No. 1, as there is a
5 plant there, and that was pumped occasionally, but it should
6 show there in the pumping. Mr. Trask corrects me, and says
7 it is at "K" that the plant is.

8 Q On this tabulation - Just examine it and see.

9 A Where it says on this tabulation 65-acre tract, is at
10 the point "K" on Exhibit No. 1; whenever it says pumping
11 there, it is at that point K.

12 Q Were there any other wells being pumped on that side by
13 anybody?

14 A It shows,- the record there,- that the Sunset well was
15 being pumped some of the days; I don't think the Old Settlers'
16 well pumped at all the past year.

17 Q No, I understand not. Was the Hermosa well being pumped?

18 A Not to my knowledge.

19 Q You don't know whether it was or not?

20 A No, sir.

21 Q And the Johnson well, to which you referred was that
22 being pumped?

23 A The Johnson well was being only pumped for his own use,
24 on his land.

25 Q Now, does this tabulation show the water that was being
26 taken out of the Cucamonga Tunnel?

27 A Yes, sir.

28 Q Which column is that?

29 A Weir 7,- do you mean the Lone Star tunnel?

Q Yes, sir?

A Weir No. 7.

Q Now, what does weir No. 5 refer to?

A That refers to the water that was pumped at the end of the Lone Star tunnel, and was called No. 9.

Q Corresponding to this 9 here?

A When 9 is being pumped water naturally flowed over weir No. 5.

Q Then the absence of water as shown in that column, in weir No. 5, on days when well No. 9 is shown as pumping, is simply due to not making the measurement?

A Simply due to not making the measurement.

Q Because it must necessarily be flowing over there, if it was pumping; and getting any water?

A Yes, sir.

Q Your table shows that on May 10, there was 28.15 inches flowing in the Y tunnel, and that upon the same day well No. 9 began pumping, and that on July 12, that well No. 9 was pumping continuously until July 12, and that no other well was being pumped during that period, and that the flow then had been reduced to 18.74 inches in the Y tunnel: Do you attribute that to the pumping of well No. 9?

A Very little of it, but it may be some; and also it may be because of the coming summer.

Q Do you think the decrease was practically a natural decrease then, on account of the weather?

A I think it certainly does decrease when the summer comes. Past records show that up.

Q To which do you attribute the decrease from May 10 to

1 July 12, the weather or to the pumping of well No. 9 or to
2 both?

3 A Both.

4 Q Do you think that the well No. 9 had a serious influence
5 on the reduction of the water?

6 A No, sir.

7 Q Then you attribute practically all of the decrease to the
8 natural conditions of the Summer?

9 A A good deal of it I do; the other tables that are in evi-
10 dence here have not shown that well No. 9 in the past has
11 seemed to change the water in the Helman well No. 2, is the
12 reason I deduce that fact.

13 Q You think natural conditions may account for that decrease

14 A It might account for a majority of it.

15 Q Since well No. 9 has been pumped has the Y tunnel had
16 any water in it, so that you could make observation?

17 A You could make observation on the level of the water
18 whether going up or down.

19 Q There has not been any water in the Y tunnel until a year
20 ago last summer?

21 A We have kept measurements for five years, from the top of
22 the pipe to the level of the water; it has been as low as
23 35 feet below the top of the pipe, and this last summer it
24 flowed over the top of the pipe again, - this spring it flowed
25 over the top of the pipe, and at present it is flowing over
26 the top of the pipe and furnishing water.

27 Q To what do you attribute the increase of the water in the
28 Y tunnel during the past two years?

29 A To the better winters, to the decrease in the pumping, ,

1 and to the bulkhead over on the west side, and the bulkhead
2 over on the east side might have had something to do with it,
3 probably not as much.

4 Q Has there been a decrease in the pumping?

5 A Yes, sir; less water pumped last year.

6 Q Than the year preceding?

7 A No, not than the year preceding; but than two years
8 preceding.

9 Q What bulkhead do you refer to?

10 A To the bulkhead in the Y tunnel, and the bulkhead on the
11 35 acre tract.

12 Mr Britt, Q You said Y tunnel just now.

13 A I mean Eady tunnel.

14 Mr. McKinley, Q And to the bulkhead in the other tunnel
15 on the 35 acre tract?

16 A There is a bulkhead that they utilize there.

17 Q And you think the increase is partly attributable to that?

18 A I think that assists to raise the water plane and that
19 means getting water.

20 A That development had its tendency to decrease the water
21 in the Y tunnel before the bulkhead was put in?

22 A The bulkhead was put in - Which development do you
23 refer to?

24 Q That tunnel that is bulkheaded of the Guadalupe Water
25 Company.

26 A We have never been able to trace any close connection
27 from the Lone Star or the 35-acre tract, with the Y tunnel.

28 Q If by bulkheading that tunnel you benefitted the Y tunnel
29

1. The first part of the report deals with the general situation of the country and the progress of the work during the year. It is divided into two main sections: the first section deals with the general situation and the second section deals with the progress of the work.

2. The second part of the report deals with the results of the work during the year. It is divided into two main sections: the first section deals with the results of the work in the field and the second section deals with the results of the work in the laboratory.

3. The third part of the report deals with the conclusions of the work during the year. It is divided into two main sections: the first section deals with the conclusions of the work in the field and the second section deals with the conclusions of the work in the laboratory.

4. The fourth part of the report deals with the recommendations of the work during the year. It is divided into two main sections: the first section deals with the recommendations of the work in the field and the second section deals with the recommendations of the work in the laboratory.

5. The fifth part of the report deals with the summary of the work during the year. It is divided into two main sections: the first section deals with the summary of the work in the field and the second section deals with the summary of the work in the laboratory.

6. The sixth part of the report deals with the appendix of the work during the year. It is divided into two main sections: the first section deals with the appendix of the work in the field and the second section deals with the appendix of the work in the laboratory.

7. The seventh part of the report deals with the bibliography of the work during the year. It is divided into two main sections: the first section deals with the bibliography of the work in the field and the second section deals with the bibliography of the work in the laboratory.

8. The eighth part of the report deals with the index of the work during the year. It is divided into two main sections: the first section deals with the index of the work in the field and the second section deals with the index of the work in the laboratory.

9. The ninth part of the report deals with the list of figures of the work during the year. It is divided into two main sections: the first section deals with the list of figures of the work in the field and the second section deals with the list of figures of the work in the laboratory.

10. The tenth part of the report deals with the list of tables of the work during the year. It is divided into two main sections: the first section deals with the list of tables of the work in the field and the second section deals with the list of tables of the work in the laboratory.

11. The eleventh part of the report deals with the list of references of the work during the year. It is divided into two main sections: the first section deals with the list of references of the work in the field and the second section deals with the list of references of the work in the laboratory.

12. The twelfth part of the report deals with the list of abbreviations of the work during the year. It is divided into two main sections: the first section deals with the list of abbreviations of the work in the field and the second section deals with the list of abbreviations of the work in the laboratory.

13. The thirteenth part of the report deals with the list of symbols of the work during the year. It is divided into two main sections: the first section deals with the list of symbols of the work in the field and the second section deals with the list of symbols of the work in the laboratory.

14. The fourteenth part of the report deals with the list of units of the work during the year. It is divided into two main sections: the first section deals with the list of units of the work in the field and the second section deals with the list of units of the work in the laboratory.

15. The fifteenth part of the report deals with the list of definitions of the work during the year. It is divided into two main sections: the first section deals with the list of definitions of the work in the field and the second section deals with the list of definitions of the work in the laboratory.

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1 don't you think by opening it you injured it?

2 A To one extent the same as the other.

3 Q Do you remember when the Lone Star tunnel was put in?

4 A Do you mean when it made the connection?

5 Q When it was driven there, when it was driven a consider-
6 able distance and began to produce water?

7 A Yes, sir.

8 Q About when was that?

9 A It was started in 1890,- probably 1889; but I think in
10 1890.

11 Q Do you mean 1890 or 1900?

12 A I mean 1900; I mean 1899 or 1900; I think Mr. Stovell
13 started it.

14 Q What was the condition of the Y tunnel as to having water
15 at that time?

16 A It had water; some 42 inches, to be exact, was measured
17 by Mr. Cook and myself that Spring in April or May, 1900.

18 Q How soon after that did it cease to have water?

19 A I think the testimony shows it was about two years
20 later before it dried up entirely. I never had the exact date.

21 Q Had there been water in the Y tunnel during all of the
22 preceding summer of 1899?

23 A There had been water; it never had been dried up before
24 since it was dug.

25 Q How much had it been down to in the preceding summer?

26 A I couldn't tell you; the testimony is all in here.

27 Q It had been very much down?

28 A Lower than 40 inches?

29 Q Yes?

1 A In the Y tunnel?

2 Q Yes, in the Summer of 1899?

3 A I doubt it; I don't think the records will show so.

4 Q Well, it is a matter of record here. I wasn't here to
5 hear the testimony, and probably I wouldn't have remembered
6 it if I had.

7 Q By whom have you been employed in this case? by the
8 plaintiffs or Mr. I. W. Hellman?

9 A By the plaintiffs.

10 Q Have you had any connection with Mr. Hellman at all?

11 A Never mentioned the subject to him. I say by the plain-
12 tiff: Mr. H. W. O'Melveny employed me. I presume it was the
13 plaintiff.

14 Q Well, we will assume that he is. Did you ever have any
15 consultations with Mr. Hellman, with reference to the making
16 of the developments there, on either the east or west side?

17 Mr. Britt: Objected to as irrelevant, immaterial and incom-
18 petent, and not proper cross examination.

19 The Court: Sustained.

20 Mr. McKinlay: Exception.

21
22 Mr. Haskell, Q In your opinion the bulkhead there, preserved
23 some water, since it was located and put in operation,
24 hasn't it?

25 A It helped raise the water-level of the whole district,
26 no question at all.

27 Q If the wells which are connected with the Lady tunnel and
28 flow into were capped in the non-irrigating season, would it
29 or would it not still further preserve the waters and raise

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THE END

1 the water-level there?

2 A It would shut off that much water that comes up from the
3 lower springs, and consequently must fill up some more, or
4 force the water more or less. There is now between one and
5 two hundred inches escaping from the Eady tunnel.

6 Q If the wells that empty into this Eady tunnel were capped
7 it would check that water in large part wouldn't it, in your
8 opinion, if not altogether?

9 A I think it would keep the water down in the wells and not
10 let it escape, and make the surface water or the water that
11 flows above the level of the tunnel do that filling up of
12 the ground, and preserve that for future use, perhaps.

13 Q You say there is 100 inches of water escaping there:
14 Do you know whether that has continued throughout this last
15 season or not?

16 A This chart shows it right along,- that it is 100 or up-
17 wards all winter.

18 Q Do you know where that water escaped to and where it
19 went to?

20 A Why, the different appropriations are shown there; whether
21 it was utilized I can't say, except generally, there has been
22 some flowing across the road; when I drove across going from
23 Ontario to Cuernavaca, there has been some going across the
24 road that came from this source; that was Sunday.

25 Q Into the wash?

26 A Yes, sir; into the wash.

27 Q About how large a quantity, in your estimate, as you
28 observed it?

29 A I only observed it; 40 or 50 inches possibly

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1 Q That is the same point that was testified to in the for-
2 mer hearing of this case, that water wasted into the wash?

3 A Yes, sir; it is the same wash.

4 Q And there is no place where that water is taken up, or
5 used for any purpose whatever to your knowledge is there?

6 A Not to my knowledge; it is in the wash.

7 Q If there was such a place you would be likely to know it
8 wouldn't you?

9 A You might call it one, because it is flowing through a
10 eucalyptus grove that has been planted during the last few
11 years, right in the neighborhood there, but it is not utilized
12 there, so far as I know.

13 Q Not spread out for irrigation?

14 A No, sir.

15 Q Just passing through the grove?

16 A Yes, sir.

17 Q Now, during the winter

18 Mr. Mc.Kinley, C During the ~~XXXXXX~~ seasons when you first
19 knew that country the water went across there?

20 A Yes, sir.

21 Q In times of rain?

22 A Yes, sir.

23 Q Are you sure as to where that water comes from that runs
24 across the road, as to whether it comes on the surface or out
25 of the tunnel?

26 A It comes through one of the pipe-lines leading from the
27 Eady tunnel, going toward Ontario, and it is let out either
28 at or near the box that used to be a measuring box, about a
29 quarter of a mile or half a mile west of the mouth of the

1 Easy tunnel, near that point?

2 Q When was it you saw it running there?

3 A The last time was last Sunday.

4 Q When?

5 A Day before yesterday.

6
7 Mr. Britt, Q Had you seen the water escaping in the same
8 manner on previous occasions?

9 A Yes, sir.

10 Q For how many years has that been going on?

11 A Do you mean escaping from that same pipe?

12 Q Yes, sir?

13 A Why, I think that every time I go out there in the winter,
14 when it is not irrigating season, I have seen water running
15 across, except as to dates, - I would have to look up dates,
16 to see whether I have any notes of it or not.

17 Q I was inquiring generally: How many years has your
18 observation - -

19 A Six or eight years, because the pipe has been laid about
20 eight years.

21 Q Those are the pipes that have been previously testified
22 to in the case, as carrying water of the San Antonio Water
23 Company, and Ontario Power Company, are they not?

24 A To Ontario Colony.

25 Q In these columns on this tabulation of measurements which
26 are headed respectively Shaft 7A" and Shaft 4 and 4A, - what
27 do the figures represent? The figures in the columns?

28 A They represent the distance in feet from the top of the
29 shaft to the surface of the water.

Q Do these shafts connect with the tunnel?

A They connect with two tunnels; yes, sir; one is the Cucamonga Water Company on the east, and the other is the Eady tunnel on the west; and both tunnels are bulkheaded so that the distance varies as they draw the water.

Q The shaft No. 4A is the Cucamonga - -

A No; 4 and 4A is the Eady tunnel; that is the point of the connection with the water coming from the Ontario Power Company's lands, into and connecting with the tunnel, at the northwest corner of the 90 acre tract.

Q Well, are shafts 4 and 4A in the same tunnel?

A Yes, sir; it is the same shaft, really; it is 4 and 4A. It is one shaft, but there was two weirs down beneath; that is the reason we commenced calling it by that name.

Q That is a single shaft?

A A single shaft.

Q There were two weirs at the bottom of the shaft?

A Yes, sir; one to let the water in from the Cucamonga wells on the east, and the other from all the San Antonio Water Company on the north, and there were weirs to measure them separately at that point.

Q Has the bulkheading of the tunnel caused the subsidence of these shafts?

A Yes, sir.

Q I mean of these weirs?

A Well, of the weirs I mean.

Q They have become water-logged?

A Yes, sir.

Q And the water has risen in the shaft above them?

1 A Yes, sir.

2 Q And those figures indicate the height to which it raised
3 below the surface of the ground?

4 A Below the surface of the top of the shaft, the board
5 shaft, which is about two feet above the ground. Sunday they
6 were practically about 60 feet deep, the water was, over
7 the weir.

8 Q Do you mean last Sunday?

9 A Yes, sir.

10 Q That is the weirs were 60 feet below the surface of the
11 water in the shaft?

12 A Yes, sir; sixty feet.

13
14 Mr. Waters, Q Was that the effect of the bulkheading?

15 A Yes, sir.

16 Q And yet you say there was 100 inches escaping through
17 the bulkhead?

18 A Yes, sir; over that. I think it shows about 120 or there-
19 abouts. The water that was measured at weirs 1 and 2 was
20 the water measured at that tunnel and was escaping. They
21 probably opened the gates and let it go.

22
23 Mr. Britt, Q The gates in the bulkhead?

24 A The gates in the bulkhead. I wish to state that the water
25 in the bulkhead is standing as high as it can stand now with-
26 out breaking out, because it is practically at the surface in
27 one in the tunnel.

28
29 Mr. Haskell, Q Breaking out where?

The first part of the paper is devoted to a discussion of the
 various methods which have been proposed for the determination of
 the rate of reaction in a system in which the reaction is
 reversible. It is shown that the method of initial rates is
 the most reliable, and that the method of half-times is
 only applicable to a limited class of reactions. The method
 of integrated rate laws is also discussed, and it is shown
 that it is only applicable to reactions of the first and
 second order. The method of continuous variation is also
 discussed, and it is shown that it is only applicable to
 reactions in which the concentration of one of the reactants
 is varied. The method of differential rate laws is also
 discussed, and it is shown that it is only applicable to
 reactions of the first and second order. The method of
 the method of initial rates is the most reliable, and the
 method of half-times is only applicable to a limited class
 of reactions. The method of integrated rate laws is also
 discussed, and it is shown that it is only applicable to
 reactions of the first and second order. The method of
 continuous variation is also discussed, and it is shown
 that it is only applicable to reactions in which the
 concentration of one of the reactants is varied. The
 method of differential rate laws is also discussed, and
 it is shown that it is only applicable to reactions of
 the first and second order.

1 A Breaking out at one of the shafts,- one of the shafts
2 about five or six hundred feet above the mouth of the tunnel,
3 it stands very near the top surface of the ground now

4
5 Mr. Waters, Q Do you know what the difference in level is,
6 between the present level of the water, and the level of the
7 water at the Cucamonga Springs?

8 A I think they are all shown on the map; I think the data
9 is all on the maps of that.

10
11 Mr. Britt, Q What is the situation of that weir 7A or shaft
12 where weir 7A is situated, in this Cucamonga tunnel? Point
13 it out if you please on that map Exhibit 1?

14 A I locate it just below the Base Line in the northwesterly
15 corner, almost, of the 35-acre tract, just below the Base
16 Line road.

17 Q It seems to me that that Cucamonga Tunnel, that term
18 Cucamonga tunnel is new in the case: I don't remember of it
19 being called that before.

20 A It might have been called the 35-acre tract piece; it
21 belongs to the Cucamonga Water Company now

22 Q How long has the Cucamonga Water Company had control of it

23 A It must be some five or six years; they bought it from
24 N. W. Stowell, all his rights, possibly six years ago.

25 Q These maps, contours, seem to indicate an elevation of
26 land between the Cucamonga Springs, and the cienegas there
27 in the neighborhood, and this tunnel to which you have just
28 now pointed: Is that the fact? Is there a hill in there?
29

1 A There is a hill, and running northwesterly, as shown
2 by the contours; it correctly shows the line of the ground.

3 Q The slope of the ground there, on the west side of the
4 hill, is in the direction of the Y tunnel is it?

5 A Yes, sir.

6 Q What is the nature of that hill, the ground? Is it stone
7 or what? What is the character of the soil? .

8 A Well, it is stony and clay on the surface, and sticky in
9 wet weather, almost boggy; it is a heavy soil; right on the
10 top it is stony also; there are so many rocks and stuff in
11 there.

12 Q Does the ridge extend back toward the northwest from the
13 point of the hill?

14 A There is a ridge extends northwesterly, but it loses its
15 prominence as it goes northwest; it becomes nearer a part of
16 the plain; but you can see on the ground,- you can find it
17 with your eyes.

18 Q As you go toward the northwest does the elevation rise or
19 diminish, the elevation of the ground?

20 A Why it raises anywhere, if you go north far enough; but
21 is nearly level on the top of the hill for a quarter of a
22 mile and then begins to raise.

23
24 Mr. Mc.Kinley, Q The water runs across the road on the east
25 side, too, doesn't it, every winter?

26 A Yes, sir; it was Sunday.

C. M. JOHNSON.

C. M. JOHNSON, previously sworn, being recalled by plaintiffs, testified as follows:

DIRECT EXAMINATION.

Mr. Haskell, Q During the last winter season have you seen any water wasting from the Eady tunnel?

A Yes, sir.

Q Where?

A Well, I have noticed it in crossing the bridge, going to Uplands from my place.

Q From what pipe line did it escape.

A The San Antonio Water Company's pipe line.

Q Leading from the Eady tunnel?

A Yes, sir.

Q How often have you seen the water in that condition and at that place?

A Several different times.

Q During the rainy season?

A Yes, sir.

Q Could you estimate the quantity approximately?

A Well, something over 20 inches at a time.

Q Do you know whether that water was taken up or used for any purpose or not, after it escaped into that wash?

A None whatever.

CROSS EXAMINATION.

Mr. Mc.Kinlay, Q When was this?

A I couldn't state the exact time; last Sunday on the back of my place there was a slight flow; that is about three-eighths of a mile below the San Bernardino Avenue.

1 Q There wasn't anybody using any water for any purpose at
2 that time was there?

3 A No, sir.

4 Q Whereabouts was it you saw it?

5 A I have seen it at different points.

6 Q Well, last Sunday where was it you saw it?

7 A Well, there was some water on the back of my place I
8 believe; I don't know what source that came from; ofcourse
9 there was water coming down there.

10 Q Where else did you see any?

11 A Well, there was some at the bridge, the bridge there below
12 the sand-box, or the box that the San Antonio has for
13 returning water.

14 Q Did you see where it came from?

15 A Yes, sir.

16 Q Where did it come from?

17 A It came from the box connected with the pipe.

18 Q Coming out of the box through the pipes?

19 A Yes, sir.

20 REDIRECT EXAMINATION.

21 Mr. Haskell, Q What box?

22 A A box connected with the San Antonio Water Company's
23 pipe line.

24
25 Mr. Britt, Q Is that the box about half a mile west of the
26 mouth of the Eady tunnel?

27 A I presume about that; yes, sir.

28 Q What is the nature of the ground where that box is situa-
29 ted?

1. The first thing I noticed when I stepped out of the train was the cold. It was a sharp contrast to the warm blanket I had been wrapped in. I looked down at my hands, which were numb from the frost. The air was thick with a heavy mist, and the ground was covered in a layer of snow. I shivered as I walked towards the station entrance, my breath visible in the cold air. The station was a large, ornate building with a high ceiling and a series of arches. I found a small, empty room at the end of the platform. I sat down on a wooden bench, my head buried in my hands. I felt a sense of isolation and loneliness. The only sound was the distant chime of a clock tower. I closed my eyes and tried to focus on my breathing. The cold was a constant reminder of my situation. I had no money, no family, and no one to turn to. I had come to this place for a reason, but now I was stuck. I looked out the window and saw a group of people walking through the snow. They were bundled up in heavy coats and hats. I wished I had one of those coats. I felt a pang of hunger. I had not eaten since the night before. I stood up and walked towards the entrance. I needed to find a way to get some food. I looked at my pockets and found a small piece of bread. I took it out and ate it slowly, savoring the taste. It was the best I had ever tasted. I walked back to the bench and sat down. I felt a little better, but the cold was still there. I looked at my watch and saw that it was late. I had to find a way to get out of here. I stood up and walked towards the entrance. I needed to find a way to get some food. I looked at my pockets and found a small piece of bread. I took it out and ate it slowly, savoring the taste. It was the best I had ever tasted. I walked back to the bench and sat down. I felt a little better, but the cold was still there. I looked at my watch and saw that it was late. I had to find a way to get out of here.

THE END

1 A It is washed ground.

2 Q What do you mean by washed ground?

3 A Well, sandy and rocky.

4 Q Any cultivation?

5 A No, sir.

6 Q Any brush?

7 A Brush on each side of the wash; yes, sir.

8 -0-

9 Mr. Haskell: I would like to offer in evidence the original
10 complaint in intervention, with the filing endorsement of
11 the Clerk thereon.

12 The Court: What for?

13 Mr. Haskell: The statute of limitations is here in question
14 and the second complaint is a substitution for the other.

15 The Court: That doesn't make any difference. The Court will
16 take judicial notice of the filing of the complaint.

17 Mr. Haskell: We offer it in evidence.

18 The Court: There doesn't seem to be any objection to it.

19 Mr. Mc.Kinley: It is simply to show when it was filed, not
20 proof of its contents.

21 Mr. Haskell: No, we don't care about proof of its contents;
22 we want to show when it was filed.

23 -0-

24 Here the Court takes a recess until tomorrow, Wednesday,
25 March 3rd, 1909, at ten o'clock a.m.

26 -0-

IN THE
Superior Court

OF THE
 County of San Bernardino

State of California

Cucamonga Vineyard Company, et al.,

Plaintiff S

Vol. 22.

vs.

San Antonio Water Company, et al.,

Defendant S

Wednesday, March 3, 1909

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E. T. Wright,	1816	1820			
E. M. Dillman,	1825	1835	1848	1851	1873
J. J. Atwood,	1879	1886			
F. E. Trask,	1893				
B. C. Shepherd,	1899				

Defendants' Exhibits:

A, Deed, Sourwine to Up- land W. Co.,	Off'd. Cop'd. 1825 1827
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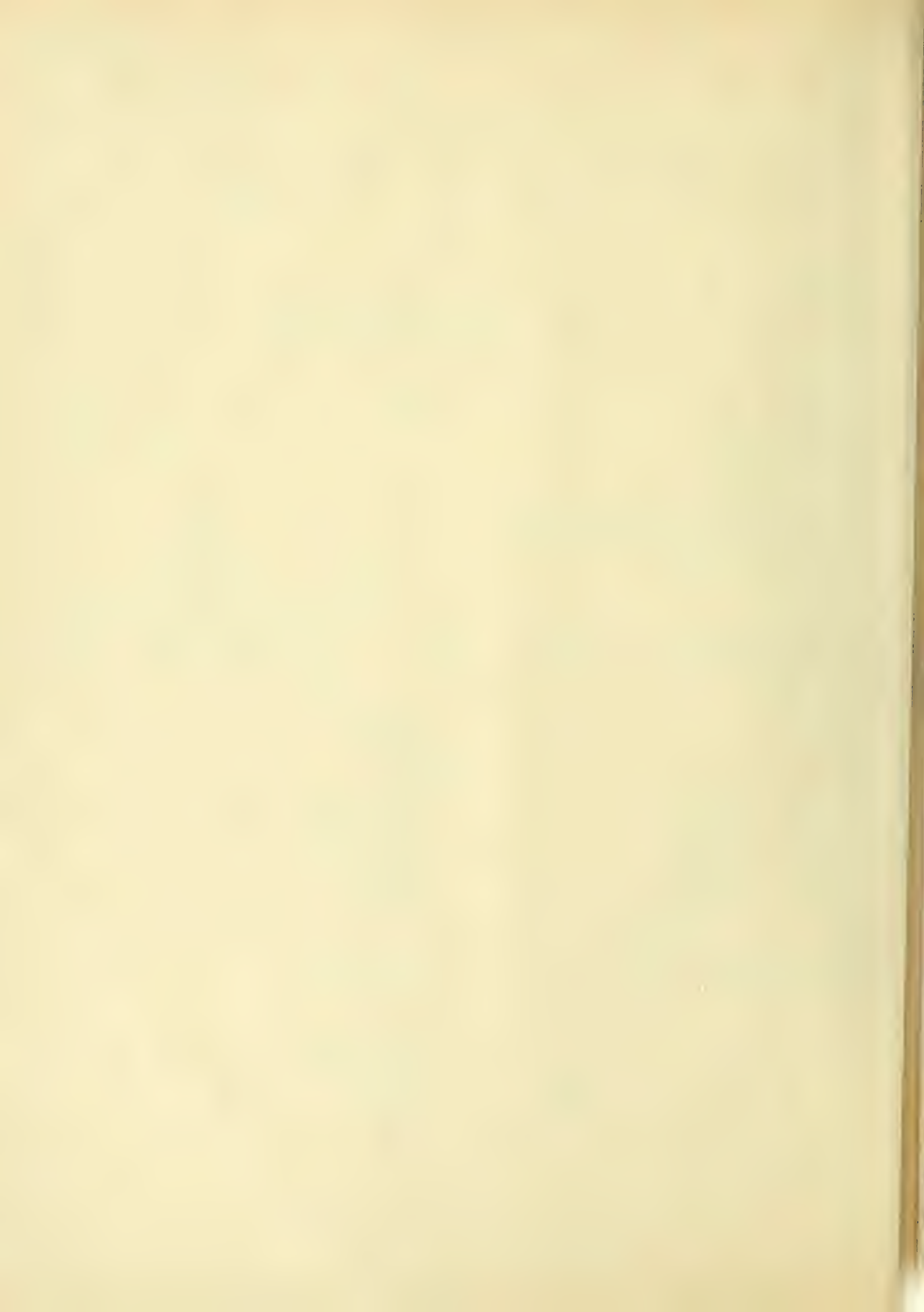
B, Deed, Leeke to Atwood, & Walline,	1879 1879
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C, Deed, Walline to Atwood,	1881 1882
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D, Map (Trask),	1895
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E, Map (Trask),	<u>1896</u>
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I. BENJAMIN, Official Reporter



1 Wednesday, March 3rd, 1909.

Twenty-second day.

2 E. I. BRITT.

3 E. I. Britt, re-called for plaintiff, testified as
4 follows:

5 Direct Examination.

6 Mr. Britt: Q You heard the statement made here yesterday
7 by Mr. Johnson, concerning the capping of one of the wells
8 of the Tucumanoga Water Company which discharges into the
9 Radie tunnel, did you?

10 A Yes, sir.

11 Q Do you know the locality of that well, the quantity
12 of its discharge and its history?

13 A Yes, sir.

14 Q When was that well bored?

15 A That was one of the early wells, bored by the Tucuman-
16 ga Fruit Land Company, about the time Mr. Stowell commenced
17 to improve the tunnel in 1896, I think it was. That is,
18 well No. 3, or weir No. 3, as we have it on our tabulation.

19 Q What was the flow of that well?

20 A The largest measurement since 1894 was 6 inches and
21 something. It was in the tabulation of exhibit 3.

22 Q And the largest?

23 A And it ran down to 2 or 3 inches, and we stopped go-
24 ing down the shaft to measure it, because it was 30 feet
25 down to go to measure the small amount of water.

26 Q The flow of that well at the time it was capped was
27 about what amount?

28 A It could not have exceeded 6 inches.

29 Q Do you know whether it was capped at the time it fl

OFFICIAL REPORT,
SUPERIOR COURT.

1 Q 6 inches?

2 A No, sir, it was not.

3 Q At the time it was capped how much was flowing?

4 A When it was capped?

5 Q Yes.

6 A I have no way of telling at all. I don't think it
7 flowed much if any.

8 Q Of course, if it was capped it should not have flowed
9 any. But what amount did it flow without the cap?

10 A From 6 to 7 inches was the highest measure-ment that
11 we had during those first measurements that we made. Then
12 it was first bored, it flowed more. It was called a 10 or
13 15 inch well at that time, according to my memory.

14 Q And it declined?

15 A Oh, it declined and ran down so that the flow was six
16 inches in 1904, and it ran down so low that we stopped
17 measuring it.

18 Q Now, the largest well of the Cucamonga Water Company
19 was connected with the Radie tunnel at what time?

20 A The final connections were made in January or February
21 1904, that they finished the tunnel and got the wells in
22 there.

23 Q 1904?

24 A Yes, sir. There had been water connected before that
25 some time, in the fall, or summer before, but they hadn't
26 finished the tunnel on the grade line, and they were siphon-
27 ing for awhile and fooling around.

28 Q What had been the amount of the discharge of that well
29 previous to connecting it with the tunnel?

OFFICIAL REPORT,
SUPERIOR COURT.

1 A I have with me no record of the exact measurements,
2 only I know it was considered the best well that was
3 ever bored by the Water Company.

4 Q Which water company?

5 A The Cucamonga Water Company, or the Fruit Land Company,
6 either one, and it was said to be called a 100 inch well.
7 That is, it was called a 100 inch well.

8 Q Before it was connect d with the tunnel what was the
9 discharge from that well?

10 A Into the tunnel, do you mean?

11 Q Yes?

12 A I have no record to tell exactly. It was siphoned over
13 there, and worked in that way for some little time.

14 Q How long a time previous to its being connected fi-
15 nally with the tunnel?

16 A They were working it in the neighborhood of a year
17 all told, trying to get the connections.

18 Q Was the flow as great before the connection with the
19 tunnel as it was afterward?

20 A No, sir.

21 Q Are you able to say approximately what was the dif-
22 ference?

23 A I have no measurements of the exact amount before.

24 Q Yes, I know, but can you give any approximation?

25 A Only by guess work.

26 Q Well, we don't care anything about a mere guess.

27 A Well, I have no way of approximating, because I did
28 not make any measurements.

29 Q Well, that lar er well of the Cucamonga Water Company,

OFFICIAL REPORTER,
SUPERIOR COURT.

1 before it was connected with the tunnel was an artesian
2 well, was it, in the sense that it flowed out at the sur-
3 face of the ground?

4 A The larger well of the Water Company?

5 Q Of the Tucamonga Water Company.

6 A No, sir, that never flowed over the surface of the
7 ground. It came close to the surface, but did not flow
8 over the surface.

9 Q There was then, no waste of water from that well
10 before it connected with the tunnel, before it was connect-
11 ed with the tunnel?

12 A No, sir.

13 Q And that, you say, was in 1904?

14 A Well, I say it was finished, the connection with the
15 tunnel, in 1904. The two wells were bored in the two
16 years previous. The two wells that made that one weir
17 measurement into the tunnel, in 1902 and 1903, if I re-
18 member right, one in each year.

19 Q That does not cover the question. The question is
20 whether there was any waste of water from those wells be-
21 fore they were connected with the tunnel.

22 A No, sir.

23 Q Which connection was made, as I understand you, in
24 1904?

25 A Completed in 1904.

26 Q Does this tabulation, this tabulation which was put
27 in evidence, show a continuation of the measurements at
28 the creek division box, exhibited on plaintiff's exhibit

1. The first part of the paper discusses the importance of the study of the history of the English language. It is argued that the study of the history of the English language is essential for a full understanding of the language and its development. The paper then discusses the various factors that have influenced the development of the English language, including the influence of other languages, the influence of social and cultural changes, and the influence of technological advances.

OFFICIAL REPORT,
SUPERIOR COURT.

1 A Yes, sir.

2 Mr. Britt: We offer in evidence now this tabulation
3 to which the witness testified yesterday. It has been
4 examined by counsel on the other side, and we ask that
5 it be marked plaintiffs' exhibit 78. I thought we would
6 connect it up with the former series of measurements
7 shown in exhibit 3 and in exhibit 11, but inasmuch as those
8 were made separate exhibits, we might as well make this a
9 separate exhibit, and call it 78.

10 Cross Examination.

11 By Mr. McKinley: Q These wells that you refer to --
12 just step to the map here -- the one of 100 inches --

13 A I said it was called a 100 inch well. It is shown
14 by a pencil mark on plaintiffs' exhibit 1 near the north-
15 west corner of the 90 acre tract.

16 Q Is there a branch tunnel running out there where you
17 marked the line?

18 A Yes, sir, a branch of the tunnel about 100 feet long,
19 to connect those wells with the tunnel.

20 Q Did that well flow 100 inches --

21 A I never measured it --

22 Q -- after it was connected?

23 A After it was connected?

24 Q Yes?

25 A Yes, sir, after it was connected; I think the high-
26 est measurement I made was 180 inches.

27 Q That was for the two wells?

28 A Yes, sir, that the two wells flowed.

29 Q And what happened to those wells subsequently, if any-

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OFFICIAL REPORT,
SUPERIOR COURT.

1 thing?

2 A So far as I know, nothing; they are still flowing, to
3 the best of my knowledge and belief; they have been sub-
4 merged for two years.

5 Q By reason of the bulkheading?

6 A Yes, sir.

7 Q You mean the water had backed up so that you can't
8 make measurements if water comes in.

9
10 By Mr. Russell: Q ~~You mean the water is~~ You say cer-
11 tain wells there have been submerged for two years:
12 That is, by reason of the bulkhead being placed where it
13 is, is it not?

14 A Yes, sir.

15 Q And the fact that there is a column of water of great-
16 er or less depth above where the well is cut off, would
17 it retard the flow or not from those wells?

18 A It certainly would retard the flow.

19 Q Retard the flow in proportion to the column of water
20 resting above it? wouldn't it?

21 A Most assuredly.

22 Q Just the same as the water rising that much higher.

23 -o-

24 Plaintiff rests.

25 -o-

26 Mr. Curtis;Sr.: The Sunset Water Company desires to
27 make a motion for non-suit, and would like until the af-
28 ternoon session in which to prepare its formal motion.
29 I suppose there will be no objection to that.

1 Mr. Britt: We haven't any.

2 The Court: Do you mean you desire to make a motion then
3 without any prejudice by reason of the defendants going
4 on with the evidence?

5 Mr. Curtis: Yes, sir.

6 Mr. McKinley: We don't know about that. We would like
7 to have a consultation about that, your honor.

8 Mr. Conner: The defendants whom I represent will want
9 the same privilege, the Hermosa Water Company and Sam
10 Johnson.

11 Mr. McKinley: We don't want to delay these proceedings
12 in any way, but we do not feel that we can, in justice
13 to our case, proceed until this matter is disposed of.

14 The Court: Very well, then, we will proceed, or they can
15 make their motion now.

16 Mr. Curtis, J.W.: Can we have about five minutes?

17 The Court: Very well. We will compromise on that.

18 Mr. W. J. Curtis: The Sanse Water Company, one of the
19 defendants herein, now moves the court for a non-suit in
20 this action and a judgment of dismissal against the
21 plaintiffs and the intervenors herein, and each of them,
22 on the following grounds:

23 First: That the evidence is insufficient to prove any
24 of the facts alleged in the fourth amended complaint of
25 the plaintiff against this defendant or any of the facts
26 alleged in the first amended complaint in intervention
27 against this defendant, or to entitle the plaintiffs or
28 any of them to the relief prayed for against this defend-
29 ant in said fourth amended complaint, or to entitle the

1 intervenors, or any of them, to the relief prayed for
2 against this defendant in said first amended complaint
3 in intervention, or to any relief against this defendant.

4 Second: That the plaintiffs and each of them have fail-
5 ed to prove a sufficient case against this defendant for
6 a jury or for the Court sitting as a jury.

7 Third: That the intervenors and each of them have fail-
8 ed to prove a sufficient case against this defendant for
9 a jury or the Court sitting as a jury, -- based upon
10 subdivision 5 of section 581 of the Code of Civil Pro-
11 cedure.

12 Mr. Conner: On behalf of the defendant, Hermosa Water
13 Company, and the defendant Johnson, I move for a non-
14 suit on the same grounds as stated by counsel in his mo-
15 tion for a non-suit on behalf of Sunset Water Company.

16 The Court: Have you anything to say in support of your
17 motion?

18 The motions are argued by J. W. Curtis, Mr. Conner, for
19 defendant Sunset Water Company and Hermosa Water Company,
20 and argued by Mr. Britt and Stephens for plaintiffs, and
21 by Mr. Haskell for intervenors, and by Mr. McKinley for
22 defendant, San Antonio Water Company and Ontario Power
23 Company, and by Mr. Waters for plaintiffs.

I. BENJAMIN,
OFFICIAL REPORTER,
SUPERIOR COURT.

1 The Court: The motion for a non-suit is denied.

2 Mr. Conner: The defendants Hermosa Water Company and
3 Johnson except.

4 Mr. J. W. Curtis: The defendants we represent except.

5 -o-

6 Mr. McKinley: I am ~~xxxin~~ desirous of asking the plaintiffs
7 to produce certain papers that I want to make a matter of
8 record.

9 I observe that there was some discussion heretofore and
10 an agreement on the part of plaintiffs to produce if possible
11 the minutes of the plaintiff companies, covering all of their
12 periods, but it has not yet been produced; and I will make a
13 request for the things I want, and they can be produced at
14 the first convenient date:

15 I desire to ask plaintiffs to produce the minutes of the
16 Cucamonga Vineyard Company, covering the period of its exis-
17 tence. The minutes of the Cucamonga Land and Irrigation
18 Company, covering the same period. All reports to either of
19 these companies with reference to water measurements, and to
20 water matters, from their agents. The books of the Cucamonga
21 Vineyard Company, showing the product of the vineyard and the
22 proceeds thereof, going back to 1897; and any books, reports,
23 or statements they may have, showing the proceeds from the
24 lands; and the stock-books of both companies.

25 -o-

OFFICIAL REPORTER,
SUPERIOR COURT.

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E. M. LILLMAN.

E. M. LILLMAN, a witness called by defendants, being first duly sworn, testified as follows:

DIRECT EXAMINATION.

Mr. JOLIFFE, Q Where do you live?

A I live at Upland.

Q Have you any interest in the Upland Water Company, one of the defendants here?

A I have; yes, sir.

Q Are you an officer of that company?

A I am president and manager.

Q How long have you been such officer?

A Four years its president and manager.

Q Have you held any office in the company, prior to the time you became president?

A I was vice-president and manager the first year that the well was pumped.

Q When was that?

A That was in 1901.

Q Have you been a stockholder of the company since its organization?

A I have been; yes, sir.

Q Have you with you, the deed of the property claimed by the Upland Water Company?

A I have the original deed to that property, from Mr. Sourwine.

Q Will you produce it?

A Yes, sir.

Mr. Joliffe: I have here a deed running to the Upland Water Company, a corporation, of the west half of lot 7, in Block

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1 16, of the Cucamonga Homestead Association, according to the
2 plat thereof, recorded in Book C of Maps, at page 46, records
3 of San Bernardino County, and also one-half of 5/500 of all
4 the water flowing or to flow in the Cucamonga Creek and
5 Canyon, being the water right now appurtenant to the pre-
6 mises therein described, which deed is of date January 22,
7 1901, and purports to have been recorded by certificate on
8 the back of the deed, at the request of the Upland Water
9 Company, January 22, 1901, at two minutes past 12 o'clock M.
10 in Book 297 of deeds, at page 196, of the records of San
11 Bernardino County. I offer this deed in evidence.

12 Mr. Stephens: What is the purpose of this?

13 Mr. Joliffe: Merely to show title to the property on which
14 the well is situated. I will follow this up by showing the
15 location of the well, if they have a well on this, and the
16 manner in which they have been using the well.

17 Mr. Britt: We make no objection to this deed, provided it
18 is understood that if in the progress of the trial we desire
19 that the title shall be traced to the original source that we
20 may do so. This deed does not show that Mr. Sourwine had
21 any title. I don't know that it is material or that we shall
22 require it, but if it should become material in the course
23 of the trial to require that this title be traced, why then
24 we reserve the right to strike out this deed, because not
25 connected with the paramount source of title.

26 Mr. McKinley. We will doubtless trace it.

27 Mr. Joliffe. We offer it for the purpose of showing what it
28 does show, also, in regard to the water rights of the parties

29 Deed admitted, marked "Defendants' Exhibit A" as follows:

OFFICIAL REPORT,
SUPERIOR COURT.

DEFENDANT'S EXHIBIT A.

I, James H. Sourwine (widower) of North Ontario, California, in consideration of Six Thousand Dollars (\$6000) the receipt whereof is hereby acknowledged, grant to The Upland Water Company, a corporation, of North Ontario, California, all that real property situate in _____, County of San Bernardino, State of California, bounded and described as follows:

The West one half (1/2) of Lot Seven in Block Sixteen (16) of The Cucamonga Homestead Association Tract according to the plat thereof recorded in Book Six of Maps at page forty six Records of said County, and containing Ten acres more or less. Saving and excepting and reserving to the grantor and assigns One half of Three (3) Three Hundredth (3/300) part of all the water flowing or to flow in Cucamonga Creek or Canon, being the water and water right now appurtenant to the premises herein described.

(United States Revenue Documentary Stamps cancelled).

Witness my hands this 22 day of Jan - 1901

James H. Sourwine (Seal)
_____(Seal)
_____(Seal)

STATE OF CALIFORNIA, }
County of San Bernardino, } ss:

On this 22nd day of January, in the year one thousand nine

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1 Q Are you acquainted with the location of the well- -

2 A I am; yes, sir.

3 Q Which is owned by your company?

4 A Yes, sir.

5 Q Where is it situated?

6 A It is half a mile west of the Ioanosa Post Office, on
7 Nineteenth Street of Upland.

8 Q How far is that above the Base Line?

9 A Three-quarters of a mile.

10 Q How far is it if you know, north of where the Cucamonga
11 Springs used to be?

12 A As I understand where the Springs - they are really
13 above the old Mountain View Hotel, and it is fully a mile or
14 a mile and a quarter above the Springs.

15 Q How far is this well from the Y tunnel, the head of the
16 Y tunnel?

17 A About a mile.

18 The Court, Q Directly north?

19 A Directly north.

20 The Court: Is that well indicated on that map.

21 Mr. Joliffe: I don't think so; it is farther north than any
22 of the lands which are - I don't know about this map. On the
23 first map, it is farther north than any lands described there

24 A That must be it.

25 Mr. Joliffe, Q Can you locate the well of the Upland Water
26 Company on the Exhibit on the board, marked Exhibit 77?

27 A I can; yes, sir.

28 Q Please do so; read the legend as it is on there.

29 A "Upland Water Company's well; elevation of ground, 1554

1. The first part of the book is devoted to a general

2. introduction to the subject of the book.

3. The second part of the book is devoted to a

4. detailed description of the various methods

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1 feet; May 11, 1908. Elevation of water 1378.10.

2 The Court: That is the well to which you have been referring?

3 A Yes, sir.

4 Mr. Joliffe, Q Was that well on the premises at the time
5 you purchased from Mr. Sourwine through the deed that has just
6 been introduced?

7 A Yes, that well was on the premises at that time.

8 Q Do you know who dug the well?

9 A The well was dug by parties associated with Mr. Sourwine,
10 the previous season.

11 Q In the year 1900?

12 A In the year 1900.

13 The Court, Q Is that sometimes referred to as the Sourwine
14 well?

15 A That is; yes, sir.

16 Mr. Joliffe, Q Do you know whether or not any water was
17 pumped from it in the year previous, in the year 1900?

18 A Mr. Sourwine I understood had a -

19 Mr. Britt: Just one moment.

20 Q I only ask for your own knowledge.

21 A No; not before 1900.

22 Q What did you do with the well, - your company do with
23 the well after you acquired the property?

24 A We proceeded to erect a pumping plant and test the well
25 in May, 1901. And that Fall we had laid our pipe line to the
26 Mountain View tract, and began using the water as a regular
27 irrigation head the 19th of August, 1901.

28 Q What sized pipe did you lay, running from the well to
29 your lands?

1 A We laid a ten inch pipe to the section line west of Euclid
2 Avenue, and from there it is an eight inch pipe another mile
3 to our tract.

4 Q What distance is your lands from the well?

5 A About five miles.

6 Q What is the tract known as? What is the designation of
7 the tract upon which these waters are used?

8 A Mountain View tract.

9 Q Sometimes spoken of as the Mountain View addition to
10 North Ontario?

11 A It is.

12 Q Now, about how much water,- You said you tested that well,
13 About how much water is it capable of furnishing?

14 A We tested a 48 hour run, and it tested between 50 and 60
15 inches, capable of furnishing that.

16 Q And the capacity of your pumping plant is sufficient to
17 lift that amount of water?

18 A Not at the present time, no; it lifts about 40 inches.

19 Q And about the amount of water,- what amount of water
20 have you taken from there?

21 A We have used about 100 day service, during each year
22 since that.

23 Q That is since 1901?

24 A Since 1901.

25 Q And you used it to some extent during 1901?

26 A From August 19th until the rainfall, which is sometime in
27 November, I believe.

28 Q And you have used it as a matter of fact every year when y
29 you needed water for irrigation?

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1 A We have.

2 Q Now, this water was used on this Mountain View Addition
3 that you have spoken of?

4 A Most all of it; a part was used on Mr. Sourwine's property
5 in the Ontario Colony, a mile northeast of the Mountain View
6 tract.

7 Q And used for irrigation?

8 A Used for irrigation.

9 Q What was the character of the grounds irrigated, and what
10 were they planted in, this tract?

11 A They were planted to citrus fruits, orange and lemons.

12 Q What amount of water have you taken? The size of the
13 heads that you have taken from there?

14 A We have pumped from 35 to 40 inches at a head.

15 Q In speaking of 100 day service each year you mean to im-
16 ply that it was a continuous flow of that volume of water
17 during the 100 days?

18 A I do.

19 Q And during the full irrigating season as far as you needed
20 the water?

21 A As far as we needed the water.

22 Q Has your right to the use of that water ever been ques-
23 tioned prior to this time?

24 A It never has.

25 Q You have used it openly?

26 A We have; yes.

27 Q And notoriously?

28 A Yes, sir.

29 Q A matter of common knowledge to everybody around there?

1 A Must have been; nobody could hide it.

2 Mr. Haskell: We object to those questions as leading.

3 Q What was the expense of your purchase of that well, and
4 grounds, and improvements that you made in connection with
5 your water-plant, which is dependent on the wells?

6 A We spent about thirty thousand dollars in developing
7 and piping that water, and in pumping plants.

8 Q Was the well plainly on the ground to be seen before you
9 purchased?

10 A Before we purchased the land of Mr. Sourwine; yes, sir.

11 Q Has everything which you have done, has that been done
12 openly and plainly to be seen by every one?

13 A It has; the plant has been open for inspection by every
14 one.

15 Q How many acres of land are irrigated from this well?

16 A There are some 200 acres I believe in the Mountain View
17 tract, that gets water from that.

18 Q You spoke of some lands of Mr. Sourwine?

19 A Mr. Sourwine has about 40 acres under that pipe line,
20 besides ten acres at the well.

21 Q What is that land planted to?

22 A Oranges and lemon-trees; citrus fruit.

23 Q Would that land be valuable except for this water?

24 A It would not.

25 Mr. Britt: This question, like much of the examination,
26 has been very leading, but it seems to me that is the quick-
27 est way to get through with it.

28 Mr. McKinley: That is the reason we have been asking the
29 questions that way .

1. The first thing I noticed when I stepped
out of the train was the cold air. It was
a sharp contrast to the warm weather of
the south. The people here were different,
more reserved. I had heard that the
north was a cold and lonely place, and
now I knew it was true. The streets were
wide and empty, and the buildings were
tall and imposing. I felt like a small fish
in a big pond. I had never before
experienced such a sense of isolation.
The people here were different, more
reserved. I had heard that the north was
a cold and lonely place, and now I knew
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1 Q What improvements have the people on the Mountain View
2 tract and Mr. Sourwine made, since the purchase of this water
3 and this well?

4 A They have planted other orchards, and also been able from
5 the products of their orchards to improve in the way of
6 buildings, valuable residences, and so forth.

7 Q About what extent of planting has been done?

8 A There has been 40 or 50 acres planted under that system.

9 Q Since the purchase of the well?

10 A Since the purchase.

11 Q What improvements have been made in the way of roads and
12 Macadamizing streets, or anything of that kind?

13 Mr. Britt: Objected to as irrelevant and immaterial.

14 The Court: The objection is sustained.

15 Mr. McKinley: Exception.

16 Q About how many people are there living on that Mountain
17 View tract that are dependent upon this water?

18 A There are some 12 or 15 parties.

19 The Court, Q Do you mean families?

20 A Families.

21 Q Has the number increased since the purchase of this well?

22 A There has been new settlers, yes; new parties.

23 Q You obtain water for domestic use also from this well
24 do you?

25 A We do not.

26 Q You do not obtain it?

27 A No.

28 Q What relation have these persons living on that tract
29 to the Upland Water Company? Are they stockholders in the

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1 company?

2 A They are stockholders in the Upland Water Company.

3 Q Explain the system under which the water is delivered
4 to the consumers, by virtue of their ownership of stock or
5 otherwise?

6 A It is turned into what was originally the Sycamore Water
7 Development Company's pipe lines, owned by the present stock-
8 holders of the Upland Water Company, and distributed through
9 those cement and vitrified pipe lines to their various orchards

10 Q In proportion to the amount of stock held by each person?

11 A In proportion to the amount of stock that each man holds.

12 CROSS EXAMINATION.

13 Mr. Britt, Q Are you an officer of the Upland Water Com-
14 pany now?

15 A I am.

16 Q When was the Upland Water Company formed?

17 A It was organized January 3rd, 1901, as their first
18 organization meeting.

19 Q Was that the date of the incorporation?

20 A The date of the incorporation papers I believe was Nov-
21 ember 20, 1900; I have them here.

22 Q Will you allow us to see the articles of incorporation.

23 A If I may be allowed to get them.

24 (Documents handed to Mr. Britt for inspection.)

25 Q What office do you hold at the present time?

26 A I am President and manager.

27 Q You have been an officer of the company ever since its
28 organization?

29 A I was vice-president the first four years, and president

1 since.

2 Q Before you made this purchase of the land from Sourwine,
3 in 1901, did you make any examination of the well situated
4 on the premises bought from him?

5 A Along in June, 1900, a party of us went there and examined
6 the old shaft that was on the ground, and made an agreement
7 with Mr. Sourwine to put down a test well, - furnish the money -
8 that he should put down a test well, and ~~xxxx~~^{if} it developed
9 a certain amount of water, we would organize a stock company,
10 and take stock with him.

11 Q What sort of a well did you find on the premises, on the
12 Sourwine place?

13 A We found a dug shaft about four by four, if I remember
14 the dimensions.

15 Q What was its depth?

16 A 142 feet, if I remember that.

17 Q Was that the only well there was on the premises?

18 A That was the only well on the premises.

19 Q Was there a pump? to operate the well?

20 A There was no pump in it.

21 Q How did you get the water out of it? Was there any water
22 in it?

23 A There was no water in it at the time.

24 Q It was a dry well was it?

25 A There was no water to be seen in the well.

26 Q Where was Sourwine getting water from for domestic use
27 on that land?

28 A He wasn't living on that land.

29 Q Was the land occupied at that time?

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1 A He had a grove on it of orange trees, intercepted with
2 peach trees.

3 Q Was the shaft dry?

4 A The shaft was dry.

5 Q You say it was 140 feet deep?

6 A 142 feet, if I remember correctly.

7 Q How is that well situated with reference to the wash
8 of the Cucamonga Creek that comes down from the mountains?

9 It is east of the wash isn't it?

10 A Quite a distance east.

11 Q Do you remember how far?

12 A It must be three-quarters of a mile; close to that.

13 Q Did you put down a test well?

14 A We put down a twelve inch hole- a drilled hole.

15 Q At what time?

16 A They completed the drilling, October 30th, 1900, 434 feet
17 deep.

18 Q Did you measure it or was it measured by your direction?

19 A I have measured it since. And that was the depth the
20 driller claimed for it.

21 Q Did you preserve a log of the well?

22 A I have a log of it; yes, sir.

23 Q Have you it with you?

24 A I have a copy of it in a book here

25 Q Will you please let me see it? Were you present Mr.

26 Dillman, while the boring of that well was going forward?

27 A I was present at various times, and I was there the day the
28 stopped drilling.

29 Q I will ask you to read into the record here, if you please

1 so the reporter may take it, the log of the well.

2 A Upland Water Company's well record. 132 feet, original
3 shaft. I was mistaken in 10 feet, I suppose, a while ago.
4 132 to 160 feet, dead gravel.

5 Q By that dead gravel, you mean it was dry?

6 A Dry gravel. 160 to 188 feet, water gravel, 28 feet
7 strata. 188 to 202, clay. 202 to 284, water gravel; 82 foot
8 strata. 284 to 296, hard clay. 296 to 394, gravel; water
9 gravel, 98 foot strata. 394 to 398, clay. 398 to 420, water
10 gravel; 22 foot strata. 420 to 434, clay. Do you wish me to
11 read the remainder there.

12 Q That completes the log of the well, doesn't it?

13 A That completes the log.

14 Q Now, in putting down this well, this test well, did you
15 measure the quantity of water that was received from the
16 successive strata of water-bearing gravel?

17 A There was never any measurement or pumping to test how
18 much each strata gave.

19 Q Now, the first that is mentioned here, the first stratum
20 of gravel in which water was obtained, was that from 160 to
21 188 feet: Do you remember anything about how much water that
22 stratum which is 28 feet thick produced?

23 A They claimed there was a raise of water there I believe

24 Q You don't know how much?

25 A I don't know how much.

26 Q Was this test well pumped at all before you ceased drilling?

27 A It was not.

28 Q I observe that it is noted here that at the depth of
29

1 348 to 350 feet, the raise of water was first noticed.

2 A 200 isn't it? Well, that is a mistake then.

3 Q Just notice here if you please.

4 A Well, it is a mistake. Why, yes; that is correct.

5 I was thinking it was below the depth of the well.

6 Q 348 to 350 feet the raise of water was first noticed?

7 A Yes, sir.

8 Q That means that the water raised above - -

9 A It had raised above where it had been in drilling.

10 Q When you ceased drilling, do you know at what depth
11 below the surface the water stood?

12 A I do not.

13 Q That was put down, I understood you to say, in the Fall
14 of 1900?

15 A Yes, sir.

16 Q When did you first pump that well?

17 A May 22nd to 24th.

18 Q The next year?

19 A The next year.

20 Q And you found that it pumped how much?

21 A We installed a pumping plant to test the well, to see
22 what sized pipe line we could afford to put in, and we found
23 it would pump about 60 inches of water under a 48 hours test
24 without going beyond the suction limit of the pump.

25 Q When you drew 60 inches of water from it, did you notice
26 to what extent the water was drawn down in the well?

27 A Couldn't tell, because the suction pipe was down in the
28 12 inch hole, and they didn't measure it, the pump enclosing
29 the drilled hole so that they couldn't measure it.

Q

The first thing I saw when I stepped
 out of the car, I felt a warm glow
 of the sun on my face, and I
 knew I was home. The air was
 fresh and clean, and I felt
 a sense of peace. I had been
 away for so long, and now I
 was back. I had found my way
 home. I had found my way
 back to the place where I belonged.
 I had found my way back to
 the place where I was loved. I
 had found my way back to the
 place where I was needed. I had
 found my way back to the place
 where I was happy. I had found
 my way back to the place where
 I was free. I had found my way
 back to the place where I was
 alive. I had found my way back
 to the place where I was home.

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The first thing I saw when I stepped
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 knew I was home. The air was
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 place where I was needed. I had
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 where I was happy. I had found
 my way back to the place where
 I was free. I had found my way
 back to the place where I was
 alive. I had found my way back
 to the place where I was home.

1 1Q The well was piped I suppose?

2 A Yes, sir; it was piped.

3 Q Was the piping perforated?

4 A It was.

5 Q At what depths?

6 A At the various water gravel stratas; I don't know just
7 the depths.

8 Q Was that well ever deepened any?

9 A The drilled hole has never been deepened; we sunk our
10 shaft deeper; the present shaft is 180 feet deep; there is a
11 shaft 180 feet deep, and with the drilled hole in the bottom
12 of that, reaching from the surface 434 feet.

13 Q The shaft was originally 182 feet, and you sunk it to 180?

14 A We have.

15 Q But the well itself has never been lowered below the
16 434 feet?

17 A No, sir.

18 Q At what time did you put in the pipe connecting with the
19 well, carrying the water away to Upland or somewhere?

20 A Between the latter part of May and the 20th of August, 1901

21 Q That is the pipe line?

22 A Yes, sir; the pipe line we installed between those dates.

23 Q Has the same pipe line been in place ever since?

24 A Yes, sir.

25 Q What is the diameter?

26 A Ten inch pipe for about four miles, and the remain of
27 the distance about eight inch.

28 Q Did you pick up any additional water on the way?

29 A We did not.

August 1, 1881, 1881-1882 21

September 1, 1881, 1882 22

October 1, 1881, 1882 23

November 1, 1881, 1882 24

December 1, 1881, 1882 25

January 1, 1882, 1883 26

February 1, 1882, 1883 27

March 1, 1882, 1883 28

April 1, 1882, 1883 29

May 1, 1882, 1883 30

June 1, 1882, 1883 31

July 1, 1882, 1883 32

August 1, 1882, 1883 33

September 1, 1882, 1883 34

October 1, 1882, 1883 35

November 1, 1882, 1883 36

December 1, 1882, 1883 37

January 1, 1883, 1884 38

February 1, 1883, 1884 39

March 1, 1883, 1884 40

April 1, 1883, 1884 41

May 1, 1883, 1884 42

June 1, 1883, 1884 43

July 1, 1883, 1884 44

August 1, 1883, 1884 45

September 1, 1883, 1884 46

October 1, 1883, 1884 47

November 1, 1883, 1884 48

December 1, 1883, 1884 49

1 Q Through that pipe line is any other water conducted save
2 that from the Sourwine well?

3 Q Why, at a point over west of Euclid Avenue, Mr. Sourwine
4 occasionally turned in a head of water to irrigate his grove.

5 Q Where is Euclid Avenue with reference to this well, how
6 far west?

7 A It is about a mile and a half to the west of this well.

8 Q About a mile and a half west?

9 A Yes, sir.

10 Q You have obtained no other supply of water since for
11 transporation through that pipe, since that well was turned
12 into the pipe, or the water from it was turned into the pipe,
13 you have increased your supply from no other source?

14 A No, sir; we have not.

15 Q Now, you say that you first turned the water from the
16 well into the pipe in August, 1901?

17 A Yes, sir.

18 Q What quantity did you take that season?

19 A We pumped about 40 inches.

20 Q Have you kept a record of the quantity pumped each year?

21 A I haven't it here; but we kept a record; yes, sir.

22 Q Where was the record kept? At the well, or at the place
23 where the water was discharged?

24 A It was kept at the well, and also at the tract where it
25 was discharged.

26 Q You have a record of both?

27 A Yes, sir.

28 Q Will you produce those, or send them in to counsel, so
29 that we may examine them, that is commencing with August,

1 and thence to the present time?

2 A Yes, sir.

3 Q This pipe that you speak of is sunk I presume beneath
4 the surface of the ground?

5 A It is.

6 Q How deep?

7 A From 10 inches, to five or six or seven feet, according
8 to the banks it passes through.

9 Q Is it down hill all the way?

10 A It is down grade all the way.

11 Q When did you first begin to use the water for irrigation,
12 the first year that you took it over to Upland?

13 A We began to use it August 19th, 1901.

14 Q How much did you use then?

15 A We pumped about 40 inch head, and we used it continuously
16 until the rainfall that season.

17 Q Where is this tract situated on which the water is used
18 with reference to the country where the San Antonio Water
19 Company uses its water, - north?

20 A It is just to the west of the San Antonio Water Company's
21 lands, - the Ontario Colony lands; the west edge of the
22 Ontario Colony lands.

23 Q Your line of pipe is how long?

24 A About five miles.

25 Q Have you at any time sold any water derived from the
26 Sourwine well?

27 A Only to stock-rights, that is all, as originally
28 organized.

29 C Never furnished any to the San Antonio Water Company or

1 to the Ontario Power Company?

2 A We never have.

3 Q Have not sold any of it?

4 A No, sir.

5 Q What is the plan of the disposition of the water to the
6 stockholders? Do you sell it to them at so much per inch, or
7 do you levy assessments to pay expenses?

8 A We levy assessments, and the water is apportioned accord-
9 ing to their stock, 24 hour run to 10 shares of stock.

10 Q The stockholders do not pay anything directly for the
11 water they receive?

12 A They don't pay directly; they pay assessments, which goes
13 into the general fund, for maintaining the plant and perman-
14 ent work, and they receive their water.

15 Q I notice in this deed which was placed in evidence, that
16 there is a reservation of some of the water involved for the
17 land on which it is pumped.

18 A Mr. Sourwine owned a little water out of the Cucamonga
19 Canyon water, which he had been using on that ten acres,
20 and he reserved that right to place it on the land or to sell
21 where he pleased, and we supplied that ten acres from the
22 well in the after years.

23 Q Is there any water taken from the well and used in that
24 neighborhood, that is in the neighborhood of the Sourwine
25 ten acres which you bought?

26 A The ten acres which the well is situated on is irrigated
27 from that well.

28 Q From the well?

29 A Yes, sir.

1. The first of these is the fact that the human body is a machine, and as such it is subject to the laws of mechanics, physics, and chemistry.
2. The second is the fact that the human mind is a machine, and as such it is subject to the laws of logic, psychology, and sociology.
3. The third is the fact that the human body and mind are interconnected, and as such they are subject to the laws of physiology, psychology, and sociology.
4. The fourth is the fact that the human body and mind are both subject to the laws of evolution, and as such they are subject to the laws of natural selection.
5. The fifth is the fact that the human body and mind are both subject to the laws of heredity, and as such they are subject to the laws of genetics.
6. The sixth is the fact that the human body and mind are both subject to the laws of environment, and as such they are subject to the laws of ecology.
7. The seventh is the fact that the human body and mind are both subject to the laws of culture, and as such they are subject to the laws of anthropology.
8. The eighth is the fact that the human body and mind are both subject to the laws of history, and as such they are subject to the laws of archaeology.
9. The ninth is the fact that the human body and mind are both subject to the laws of religion, and as such they are subject to the laws of theology.
10. The tenth is the fact that the human body and mind are both subject to the laws of art, and as such they are subject to the laws of aesthetics.
11. The eleventh is the fact that the human body and mind are both subject to the laws of science, and as such they are subject to the laws of natural philosophy.
12. The twelfth is the fact that the human body and mind are both subject to the laws of philosophy, and as such they are subject to the laws of metaphysics.
13. The thirteenth is the fact that the human body and mind are both subject to the laws of ethics, and as such they are subject to the laws of moral philosophy.
14. The fourteenth is the fact that the human body and mind are both subject to the laws of politics, and as such they are subject to the laws of government.
15. The fifteenth is the fact that the human body and mind are both subject to the laws of economics, and as such they are subject to the laws of commerce.
16. The sixteenth is the fact that the human body and mind are both subject to the laws of law, and as such they are subject to the laws of jurisprudence.
17. The seventeenth is the fact that the human body and mind are both subject to the laws of medicine, and as such they are subject to the laws of health.
18. The eighteenth is the fact that the human body and mind are both subject to the laws of education, and as such they are subject to the laws of learning.
19. The nineteenth is the fact that the human body and mind are both subject to the laws of religion, and as such they are subject to the laws of faith.
20. The twentieth is the fact that the human body and mind are both subject to the laws of art, and as such they are subject to the laws of beauty.
21. The twenty-first is the fact that the human body and mind are both subject to the laws of science, and as such they are subject to the laws of knowledge.
22. The twenty-second is the fact that the human body and mind are both subject to the laws of philosophy, and as such they are subject to the laws of wisdom.
23. The twenty-third is the fact that the human body and mind are both subject to the laws of ethics, and as such they are subject to the laws of virtue.
24. The twenty-fourth is the fact that the human body and mind are both subject to the laws of politics, and as such they are subject to the laws of justice.
25. The twenty-fifth is the fact that the human body and mind are both subject to the laws of economics, and as such they are subject to the laws of wealth.
26. The twenty-sixth is the fact that the human body and mind are both subject to the laws of law, and as such they are subject to the laws of order.
27. The twenty-seventh is the fact that the human body and mind are both subject to the laws of medicine, and as such they are subject to the laws of health.
28. The twenty-eighth is the fact that the human body and mind are both subject to the laws of education, and as such they are subject to the laws of learning.
29. The twenty-ninth is the fact that the human body and mind are both subject to the laws of religion, and as such they are subject to the laws of faith.
30. The thirtieth is the fact that the human body and mind are both subject to the laws of art, and as such they are subject to the laws of beauty.

1 Q Previous to that time it had been irrigated,- previous
2 to the time your company purchased it, it had been irrigated
3 from some other source had it?

4 A It had; yes, sir.

5 Q Do you know how much water is used for irrigating the
6 ten acres,- how much is turned out from the well for that
7 purpose?

8 A There is a 24 hour run used on that ten acres to irrigate
9 it.

10 Q a 24 hour run of all the water?

11 A A 24 hour run if the water is used on that ten acres.

12 Q How often?

13 A Once in thirty days.

14 Q Once a month during the irrigating season I suppose?

15 A Yes, sir.

16 Q You said that there were only some 40 or 50 acres that
17 had been improved on this tract: What do you call this tract
18 where this water is used for irrigation?

19 A Mountain View Tract; Mountain View Addition to North
20 Ontario sometimes called.

21 Q Mountain View Tract?

22 A Yes, sir.

23 Q And the tract is how extensive?

24 A There is three-quarters of a section of land in the
25 Mountain View Tract.

26 Q You say there are 40 or 50 acres of land have been im-
27 proved since your company acquired this Sourwine water?

28 A Yes, sir; there has been about that amount of planting
29 since the Sourwine well was dug.

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30	30. thirtieth of these is the fact that the

1 Q Be ore that time where did you obtain water for use on
2 that tract?

3 A They had been getting water from the Sycamore Water
4 Development Company's tunnel.

5 Q Did that become exhausted?

6 A It did, in a few years later, until the tunnel became
7 exhausted, and they were obliged to pump the well; that is
8 what is known as the Sycamore Water Company's tunnel, now
9 known as the Mountain View Water Company's tunnel, became dry,
10 and they had to pump from below the tunnel, and lift it up to
11 the tunnel; the tunnel ran dry, and they were obliged to
12 pump from the stratas below.

13 Q Is that source of supply still used for the irrigation-

14 A That source is still used.

15 Q - - of your tract?

16 A It is.

17 Q And you mingle the water from the two sources do you?

18 A We don't mingle the water; the parties have water from
19 both sources, and they use it as separate heads; they use it
20 on the same lands, but it is separate heads.

21 Q How much do you get from the Sycamore tunnel?

22 A There is about one hundred inches being used from that,
23 but not all on that tract.

24 Q The Sycamore tunnel, as I understand you, petered out,
25 it ceased to produce water, and you pumped water from below
26 into the tunnel?

27 A We did at one time.

28 Q Did you lease any water from the Sourwine well to any
29 people?

1 A We did not.

2 Q Do you know Mr. Saulsbury who grew some potatoes?

3 A Mr. Sourwine leased some water from that well; he had the
4 stock; the company did not lease it; Mr. Sourwine did, of
5 his own water.

6 The Court, Q I suppose you mean certain water he was enti-
7 tled to by reason of being a stockholder in this company he
8 leased to Mr. Saulsbury?

9 A Yes, sir.

10 Mr. Britt, Q Were there any other stockholders in the com-
11 pany that leased water that they derived from the company?

12 A Not that I remember of.

13 Q Was Sourwine the only one?

14 A So far as I remember at the present time.

15 Q How much water did Sourwine receive?

16 A He had about an eight day run, out of the month.
17 He had about 80 shares out of the 300 or 8 days out of the 30.

18 Q Eight-thirtieths of all the water from the well?

19 A At that time he did; yes, sir.

20 Q He used this for his own purposes and also sold the water
21 to other people?

22 A He did, wherever he could.

23 Q Was he the only stockholder that was able to sell
24 water or lease it?

25 A There might have been others, but I don't just recall
26 who it was.

27 -0-

28 Here the Court takes a recess until 2 o'clock p.m.

29 -0-

1. The first part of the document is a letter from the President of the United States to the Congress, dated January 3, 1862. It contains a report on the state of the Union and the progress of the war.

2. The second part is a report from the Secretary of the Treasury, dated January 10, 1862. It contains a report on the state of the Treasury and the progress of the war.

3. The third part is a report from the Secretary of the Interior, dated January 15, 1862. It contains a report on the state of the Interior and the progress of the war.

4. The fourth part is a report from the Secretary of the War, dated January 20, 1862. It contains a report on the state of the War and the progress of the war.

5. The fifth part is a report from the Secretary of the Navy, dated January 25, 1862. It contains a report on the state of the Navy and the progress of the war.

6. The sixth part is a report from the Secretary of the State, dated January 30, 1862. It contains a report on the state of the State and the progress of the war.

7. The seventh part is a report from the Secretary of the War, dated February 5, 1862. It contains a report on the state of the War and the progress of the war.

8. The eighth part is a report from the Secretary of the Navy, dated February 10, 1862. It contains a report on the state of the Navy and the progress of the war.

9. The ninth part is a report from the Secretary of the State, dated February 15, 1862. It contains a report on the state of the State and the progress of the war.

10. The tenth part is a report from the Secretary of the War, dated February 20, 1862. It contains a report on the state of the War and the progress of the war.

11. The eleventh part is a report from the Secretary of the Navy, dated February 25, 1862. It contains a report on the state of the Navy and the progress of the war.

12. The twelfth part is a report from the Secretary of the State, dated February 30, 1862. It contains a report on the state of the State and the progress of the war.

13. The thirteenth part is a report from the Secretary of the War, dated March 5, 1862. It contains a report on the state of the War and the progress of the war.

14. The fourteenth part is a report from the Secretary of the Navy, dated March 10, 1862. It contains a report on the state of the Navy and the progress of the war.

15. The fifteenth part is a report from the Secretary of the State, dated March 15, 1862. It contains a report on the state of the State and the progress of the war.

16. The sixteenth part is a report from the Secretary of the War, dated March 20, 1862. It contains a report on the state of the War and the progress of the war.

17. The seventeenth part is a report from the Secretary of the Navy, dated March 25, 1862. It contains a report on the state of the Navy and the progress of the war.

18. The eighteenth part is a report from the Secretary of the State, dated March 30, 1862. It contains a report on the state of the State and the progress of the war.

19. The nineteenth part is a report from the Secretary of the War, dated April 5, 1862. It contains a report on the state of the War and the progress of the war.

20. The twentieth part is a report from the Secretary of the Navy, dated April 10, 1862. It contains a report on the state of the Navy and the progress of the war.

21. The twenty-first part is a report from the Secretary of the State, dated April 15, 1862. It contains a report on the state of the State and the progress of the war.

22. The twenty-second part is a report from the Secretary of the War, dated April 20, 1862. It contains a report on the state of the War and the progress of the war.

23. The twenty-third part is a report from the Secretary of the Navy, dated April 25, 1862. It contains a report on the state of the Navy and the progress of the war.

24. The twenty-fourth part is a report from the Secretary of the State, dated April 30, 1862. It contains a report on the state of the State and the progress of the war.

25. The twenty-fifth part is a report from the Secretary of the War, dated May 5, 1862. It contains a report on the state of the War and the progress of the war.

26. The twenty-sixth part is a report from the Secretary of the Navy, dated May 10, 1862. It contains a report on the state of the Navy and the progress of the war.

27. The twenty-seventh part is a report from the Secretary of the State, dated May 15, 1862. It contains a report on the state of the State and the progress of the war.

28. The twenty-eighth part is a report from the Secretary of the War, dated May 20, 1862. It contains a report on the state of the War and the progress of the war.

29. The twenty-ninth part is a report from the Secretary of the Navy, dated May 25, 1862. It contains a report on the state of the Navy and the progress of the war.

30. The thirtieth part is a report from the Secretary of the State, dated May 30, 1862. It contains a report on the state of the State and the progress of the war.

OFFICIAL REPORTER,
SUPERIOR COURT.

1 AFTERNOON SESSION.

2 Mr. Britt: Q Did your company bore any other wells
3 in the neighborhood of this Sourwine place, described in
4 the deed introduced in evidence?

5 A No, sir. They never bored any other well. Allow me,
6 Mr. Britt, to answer a question more fully than you asked
7 before intermission. We have here, as part of the rec-
8 ord of our company, every hour's water used for irriga-
9 tion purposes, and I find that Mr. Sourwine used more
10 water the second and third year from that source than
11 they did afterwards.

12 Q Then what?

13 A Then he had been taking for his share afterwards, in
14 relation to that leased water that you quizzed me about.

15 Q Over at Uplands?

16 A Near the wells. He rented about three or four days'
17 water each month to Mr. Salisbury for two seasons; may
18 be five days a month.

19 Q Where did Salisbury use the water?

20 A He used it north of the pumping plant; across the
21 road.

22 Q How far north?

23 A About 40 rods -- the next 10 acres above.

24 Q That 10 acres directly north of the 10 acres that
25 your company bought from Sourwine?

26 A Yes.

27 Q In what years did Salisbury use it?

28 A It must have been in the years 1902 and 1903.

29 Q Use any since?

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1 A I don't think so.

2 Q Who has been farming the Sourwine land, this tract
3 of 10 acres, since the deed to your company?

4 A The Upland Water Company's men. I took care of it
5 myself one year.

6 Mr. Britt: I think that is all. There may be something
7 further in connection with these figures showing the quan-
8 tities of water, later on.

9 Re-Direct Examination.

10 by Mr. Jolliffe: Q If you have it there, Mr. Billman,
11 you may read from your record the amount of water which
12 has been taken from that well and where it has been taken
13 to.

14 A We began using the water first in August, 1901 --
15 August 19th -- and almost a continuous run until October
16 26th. The next year we began using the water April 23rd,
17 and with a few ^{days} intermissions each month for six months.

18 Q Give us the date when you ceased to use it, if you
19 ever did, the second year.

20 A The second year?

21 Q That would be 1902.

22 A November 6th, 1902. April 23rd, to November 6th,
23 1902. 1903, June 15 --

24 Q That is the date you commenced?

25 A That is the beginning. To October 26, 1903.

26 Q Used it continuously in the meantime?

27 A No, there was a few days each month that it was not
28 used. Three or four, or perhaps five days each month.
29 In 1904 we began using it June 3rd until November 1st, 1904.

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OFFICIAL REPORTER,
SUPERIOR COURT.

1 The next spring we were supplied by the San Antonio Water
2 Company for a month or two with water instead of power.
3 In 1905 we were supplied for a limited time with water
4 instead of power.

5 Q Explain that more fully.

6 A We had a power contract with the Ontario Power Com-
7 pany to furnish power. They had a surplus of water and
8 turned us a head of water instead of furnishing us the
9 power, which they save to themselves for the first two
10 months of the season, beginning June 1st.

11 Q When did you commence pumping that year, if at all?

12 A About August 1st.

13 Q And how long did you continue?

14 A ~~the~~ Until November 5.

15 Q Well, the next year?

16 A The pump started about August 1st, 1906, and ran till
17 October 25 -- yes, later than that -- till November 20.

18 In 1907 the pump started June 3rd, and ran until November
19 24th. This year I haven't the record transcribed into
20 this book, but it was about the same as it had been the
21 previous year, about 100 days run for this year. You

22 ~~say~~ There were 3 or 4 days in each month, you say, in
23 some of the former years that you don't have a record:
24 Was the pump running during that time?

25 A No, sir; the pump was lying idle, Mr. Sourwine hav-
26 ing more water stock than he could use the water for, and
27 during that time he let it lay idle.

28 Q These times that you have given there embrace all
29 the time that the pump was running?

THE FIRST PART OF THE HISTORY OF THE
LIFE OF THE LATE LORD OF THE
TREASURY OF THE KINGDOMS
OF GREAT BRITAIN
AND IRELAND
AND OF THE
COUNTY OF PALMERS
BY
JAMES OAKLEY
OF THE
MIDDLE TEMPLE
ESQ.
IN TWO VOLUMES
LONDON
PRINTED BY J. BARNES
ST. MARTIN'S LANE
1794

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THE HISTORY OF THE

OFFICIAL REPORTER,
SUPERIOR COURT.

A It does, and a few days each month's stoppage.

Q And the least water -- the time Mr. Sourwine leased the water -- was in 1902 and '31?

A Yes, sir.

Q Something was said about Mr. Sourwine turning some water into the pipe line west of Euclid Avenue. Can you point out on this map, which is exhibit 77, a out where that is?

A Our pipe line is not shown on that. Here is the well. The pipe line runs across in this direction.

Q Euclid Avenue is not shown?

A No, sir.

Q How far west of Euclid Avenue is that point where it was turned in?

A Nearly 3/4 of a mile.

Q West of Euclid Avenue?

A Yes, sir.

Q How far was it from the well?

A About 4 miles; nearly 4 miles from the well.

Q You said in answer to a question from Mr. Britt, that you obtained some water from the Sycamore tunnel. What tract of country does that Sycamore tunnel supply or who got water from that?

A That was the original water source of the Mountain View tract, and during the dry years some of the stockholders and water-right users of the tract went up on 21st street and put down a well known as the Canyon Bridge well, near the Bodenhamer well, and piped that down on the tract. That not being sufficient to supply the de-

OFFICIAL REPORTER,
SUPERIOR COURT.

1 lands for water, owing to the shortage of the Mountain
2 View tunnel, a number of us members of this Upland Water
3 Company bargained for Mr. Sourwine's ten acres and put
4 down the well, and organized the company.

5 Q This supply which you obtained from the Sycamore tun-
6 nel was entirely inadequate?

7 A It was very inadequate to the needs.

8 Q How much land was supplied by the Sycamore tunnel?

9 A At that time it was distributed over about 1,000 acres
10 of land, and it had run down to a 10-inch flow before they
11 began to pump.

12 Q How much did they pump?

13 A And they were able to pump only about 30 to 40 inches.

14 Q And with the pumping, your supply was still inade-
15 quate?

16 A Very inadequate.

17 RE CROSS EXAMINATION.

18 By Mr. Maskell: Q On your direct examination I under-
19 stood you to say that the tract of land which you say
20 was irrigated by the Upland Water Company was supplied by
21 water from the Sourwine well for about 100 days service
22 in the year. That was correct, was it not?

23 A Yes, it was correct, and still the second and third
24 and fourth year we used from the Sourwine well we used
25 more than that number of days. I find, by referring to
26 our record here, that we used as much as 120 to 150 days
27 the second, third and fourth year. That was 1902, '3 and
28 '4.

29 Q What do you call a day's service?

OFFICIAL REPORTER,
SUPERIOR COURT.

1 A 24 hours run.

2 Q Did you measure this water during that time over a
3 weir?

4 A Yes, sir.

5 Q What were the measurements in 1901?

6 A In 1901 we were pumping from 40 --

7 Mr. Britt: Just one moment. I understood the witness to
8 say awhile ago that he had a record showing the measure-
9 ments every day.

10 A I can't show the record for every day.

11 Mr. Britt: He was asked to produce the records.

12 Mr. Haskell: If he can produce the records I will with-
13 draw the question.

14 The Court: I understand he has produced whatever records
15 he has.

16 Mr. Haskell: Q Have you the record and the only rec-
17 ord of measurements that you have of the waters that you
18 took from that source?

19 A Yes, I can say that it is the only record that I have,
20 but I remember how much water we got from that source.
21 I can testify to that.

22 Q You have the record there in your hands?

23 A For one year. I find the zanjero kept a record twice
24 a month of his measurements.

25 Q What year is that?

26 A 1904. Here are his measurements.

27 Q Where is the measurement?

28 A June 3, 36.43. June 15, the same amount.

29 Q 36.43 inches?

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1. The first part of the paper is devoted to a general
2. introduction of the subject. It is shown that the
3. problem is of great importance in the theory of
4. functions. The second part is devoted to a
5. detailed study of the properties of the function
6. which is the subject of the paper. It is shown that
7. the function is continuous and differentiable
8. everywhere. The third part is devoted to a
9. study of the asymptotic properties of the function.
10. It is shown that the function approaches a certain
11. limit as the argument approaches infinity. The
12. fourth part is devoted to a study of the
13. periodic properties of the function. It is shown
14. that the function is periodic with period 2π.
15. The fifth part is devoted to a study of the
16. integral properties of the function. It is shown
17. that the function is integrable over any finite
18. interval. The sixth part is devoted to a study
19. of the series properties of the function. It is
20. shown that the function can be expanded in a
21. Fourier series. The seventh part is devoted to
22. a study of the conformal mapping properties of
23. the function. It is shown that the function maps
24. the unit disk conformally onto the upper half
25. plane. The eighth part is devoted to a study
26. of the inverse problem. It is shown that the
27. function is the only function which satisfies the
28. given conditions. The ninth part is devoted to
29. a study of the applications of the function. It
30. is shown that the function has many important
31. applications in the theory of functions.

OFFICIAL REPORT,
SUPERIOR COURT.

1 A That was pumped at that time. The next month --

2 Q What month is that?

3 A July 6, 33.17 inches.

4 Q What year is that?

5 A 1904.

6 Q Go on, and give the measurements.

7 A July 20, 36.43 inches. This is August 3rd, 33.17
8 inches. August 15, 33.17 inches. September 1st, 29.37
9 inches. September 14, 30.97 inches. October 4, 29.37
10 inches. October 17, 29.37 inches. That is the last
11 measurement.

12 Q Now are there any other memoranda of measurements made
13 in that book for any other year?

14 A Not that I know of.

15 Q Those are all for the year 1904 are they?

16 A In the last four years we had a pump that pumped
17 35 inches of water, no more and no less.

18 Q That was its capacity?

19 A Yes, sir.

20 Q Did you run it up to its capacity?

21 A Yes, sir.

22 Q Night and day?

23 A Yes, sir.

24 Q And the pump never broke down for repairs?

25 A I didn't say that. It broke down quite often.

26 I say it ran to its capacity.

27 Q About how many days in the year during the irrigat-
28 ing season was the pump out of operation by reason of
29 breakages or for any other cause?

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OFFICIAL REPORTER,
SUPERIOR COURT.

1 A Well, there was some times we were broke down for
2 10 to 15 days, but we ran to make up that time to the
3 stockholders.

4 Q At the end of the irrigating season?

5 A We ran straight through till it rained.

6 The Court: You mean you protracted the pumping season
7 that much longer?

8 A There was parties that didn't use their water, like
9 Mr. Sourwine. They took time credit for it, and other
10 parties were allowed their time.

11 Q You simply extended the season?

12 A No.

13 . You stated a moment ago that your pumping plant was
14 running 35 inches to its full capacity. If you didn't
15 extend the season, I don't see how you could make up the
16 shortage.

17 A We began early in the season, and the full thirty
18 days a month was not used by the stockholders, Mr. Sour-
19 wine owning some eight days since 1903 that he was not
20 able to use near all the time, and the days that he
21 couldn't use were transferred to other parties and used
22 by other parties, and he took time credit for his water.

23 Mr. Haskell: Q You have already testified, as I under-
24 stand it, from this memorandum, the day on which you start-
25 ed the pump each year and the day on which you ceased to
26 pump each year.

27 A I did.

28 Q Between those dates, there were spaces of time running
29 as high as 10 or 15 days when the pump was out of opera-

tion?

OFFICIAL REPORT,
SUPERIOR COURT.

A We have it here; yes, sir.

Q You have those days.

A Yes, sir.

Q It will take you some little time --

A It will take more time than you want to give, but I will say that in this book is recorded, with the exception of this years run, every hour of water that we have used as an irrigation head.

Q And if you are dismissed from the stand, or after you are dismissed from the stand, I wish you would compute the number of days that it was out of operation during the irrigating season of each year, and then we will recall you later to answer that question.

The Court: Q Can you tabulate it?

A I think I can.

The Court: That will be the simpler way, I take it.

Mr. Haskell: Q How many acres were irrigated? 200 acres?

A There was some 200 acres that it was used on.

Q Were those 200 acres irrigated exclusively from this pumped water?

A They were not.

Q Where did you get this other water?

A A part of it came from the Mountain View tunnel, or old Sycamore Water Development Company's tunnel, and a part from the Canyon Ridge Water Company.

Q Have you got the record of the amount of water that was obtained from those sources each year?

A No, I have no record of it.

1 The first of these is the fact that the
2 population of the United States is
3 increasing rapidly. This is due to a number of factors,
4 including a high birth rate, a low death rate, and
5 immigration from other countries. The second factor
6 is the fact that the United States is a large country
7 with a wide variety of climates and geographical features.
8 This makes it difficult to find a single climate
9 that is suitable for all parts of the country.
10 The third factor is the fact that the United States
11 is a country with a long history of immigration.
12 This has resulted in a large number of people
13 from different parts of the world living in the
14 United States. This has led to a great deal of
15 cultural diversity, which is one of the strengths
16 of the United States. The fourth factor is the
17 fact that the United States is a country with a
18 high standard of living. This has led to a
19 high birth rate, which is one of the reasons
20 why the population is increasing so rapidly.

OFFICIAL REPORTER
SUPERIOR COURT

1 Q I understood you to state on direct examination that
2 that amount of water was approximately 100 inches of water.
3 A It has been for the last four years.
4 Q And then you are using an inch to two acres from other
5 sources?
6 A An inch to two acres?
7 Q That is, you have 200 acres of land and 100 inches of
8 water. That is an inch to 2 acres, isn't it?
9 A This 100 inches is not all used on that 200 acres.
10 Q How much of it is used on that 200 acres?
11 A There is about 60 inches of it.
12 Q Now this 200 acres, is it all planted to orange orchards
13 and other like products?
14 A It is.
15 Q And it was so planted, all except 40 acres of it, when
16 you obtained this Upland well, was it not?
17 A Yes, sir.
18 Q And was irrigated from these other sources of which you
19 speak?
20 A It had been.
21 Q And you used no domestic water whatever from the Upland
22 wells?
23 A We did not, except what we dipped out with a bucket
24 occasionally.
25 Q Now then, in boring this well, as I understood you to
26 say, when you first went to the Bouwine well, there was an
27 old shaft there of 130 feet in depth?
28 A Yes, sir.
29 Q In which there was no water?

1. The first part of the report is devoted to a general
2. description of the country and its resources.
3. It is then divided into two parts, the first of which
4. is devoted to the description of the country and its
5. resources, and the second to the description of the
6. country and its resources.
7. The second part of the report is devoted to a
8. description of the country and its resources.
9. It is then divided into two parts, the first of which
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12. country and its resources.
13. The third part of the report is devoted to a
14. description of the country and its resources.
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16. is devoted to the description of the country and its
17. resources, and the second to the description of the
18. country and its resources.
19. The fourth part of the report is devoted to a
20. description of the country and its resources.
21. It is then divided into two parts, the first of which
22. is devoted to the description of the country and its
23. resources, and the second to the description of the
24. country and its resources.
25. The fifth part of the report is devoted to a
26. description of the country and its resources.
27. It is then divided into two parts, the first of which
28. is devoted to the description of the country and its
29. resources, and the second to the description of the
30. country and its resources.

OFFICIAL REPORTER
SUPERIOR COURT

- 1 A Yes, sir.
- 2 Q How far at that time in 1900 or 1901 did you have to
- 3 sink that shaft to get to water?
- 4 A They drilled a well first, and I find here it was about
- 5 160 feet to the water level.
- 6 Q At that time?
- 7 A Yes, sir.
- 8 Q Since then you have sunk that well or shaft to a great-
- 9 er depth, have you not?
- 10 A We sunk it 20 feet farther.
- 11 Q At what time did you sink that?
- 12 A We would do that in the fall of the year after the pump-
- 13 ing season was over.
- 14 Q Why did you do that?
- 15 A The water level was going down a little and we would
- 16 sink that to lower our pump.
- 17 Q And when was the last time that you had to lower the
- 18 pump? and sink that shaft in order to follow the water level?
- 19 A That was in 1904; in the fall of 1904.
- 20 Q And since the fall of 1904 the water has begun to rise?
- 21 A It rose; yes, sir.
- 22 Q Do you know the level of the water plane there at the
- 23 present time?
- 24 A I don't know just the exact number of feet; I know it is
- 25 higher than it was in 1904.
- 26 Q About how much higher?
- 27 A It must be 25 feet or perhaps more.
- 28 Q Constantly rising, isn't it?
- 29 A I don't know whether it has raised any more during the

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1 last year than it was a year ago.

2 Q Now you spoke about water gravel in this record of bor-
3 ing this well. You gave what is called the log of the well
4 in boring, and you classified certain strata as water gravel.
5 Did you see that gravel? yourself?

6 A ~~xxxxxxx~~ I did not. I took it from what the driller
7 reported.

8 Q You have seen the gravel that came out of that well? You
9 have seen it on the dump?

10 A I have seen what we dug out of the shaft.

11 Q Is that gravel worn smooth or does it have rough edges
12 like broken rock?

13 A It is not worn smooth; no.

14 Q Some of it is, isn't it?

15 A It has more or less dirt among it.

16 Q Mingled with it. But about how large a piece of gravel
17 have you seen come out of that dump-- out of that well?

18 A Well, they dug out some good sized boulders and decon-
19 posed granite.

20 Q Are those boulders worn smooth or do they have ragged
21 edges?

22 A I never examined the edges of them.

23 Q You have seen them, haven't you?

24 A I have seen them; yes.

25 Q Just the same kind of boulders and gravel that you see
26 in the Cucamonga wash.

27 A They are not.

28 Q In what respect are they different?

29 A Because they are decomposed granite and those in the Cuc-

1. The first part of the document is a letter from the President of the United States to the Congress, dated January 3, 1801. It contains a report on the state of the Union and the progress of the government during the past year. The President mentions the peace with France and the establishment of the new government.

2. The second part of the document is a report from the Secretary of the Treasury, dated January 10, 1801. It contains a detailed account of the financial state of the country, including the revenue and the public debt. The Secretary mentions the success of the government in maintaining the public credit and the stability of the currency.

3. The third part of the document is a report from the Secretary of the Navy, dated January 15, 1801. It contains a detailed account of the naval operations of the country, including the construction of new ships and the success of the fleet in maintaining the peace with France. The Secretary mentions the success of the government in maintaining the naval power of the country.

4. The fourth part of the document is a report from the Secretary of the War, dated January 20, 1801. It contains a detailed account of the military operations of the country, including the construction of new forts and the success of the army in maintaining the peace with France. The Secretary mentions the success of the government in maintaining the military power of the country.

5. The fifth part of the document is a report from the Secretary of the Interior, dated January 25, 1801. It contains a detailed account of the internal affairs of the country, including the construction of new roads and the success of the government in maintaining the peace with France. The Secretary mentions the success of the government in maintaining the internal power of the country.

6. The sixth part of the document is a report from the Secretary of the State, dated January 30, 1801. It contains a detailed account of the foreign affairs of the country, including the construction of new embassies and the success of the government in maintaining the peace with France. The Secretary mentions the success of the government in maintaining the foreign power of the country.

7. The seventh part of the document is a report from the Secretary of the Education, dated February 5, 1801. It contains a detailed account of the educational system of the country, including the construction of new schools and the success of the government in maintaining the peace with France. The Secretary mentions the success of the government in maintaining the educational power of the country.

8. The eighth part of the document is a report from the Secretary of the Agriculture, dated February 10, 1801. It contains a detailed account of the agricultural system of the country, including the construction of new farms and the success of the government in maintaining the peace with France. The Secretary mentions the success of the government in maintaining the agricultural power of the country.

9. The ninth part of the document is a report from the Secretary of the Commerce, dated February 15, 1801. It contains a detailed account of the commercial system of the country, including the construction of new ports and the success of the government in maintaining the peace with France. The Secretary mentions the success of the government in maintaining the commercial power of the country.

10. The tenth part of the document is a report from the Secretary of the Finance, dated February 20, 1801. It contains a detailed account of the financial system of the country, including the construction of new banks and the success of the government in maintaining the peace with France. The Secretary mentions the success of the government in maintaining the financial power of the country.

1 mona wash are hard granite. Those that we dug out of the
2 Upland well we could strike a pick through them and break
3 them with a pick.

4 Q Don't they show the marks of the wearing of water?

5 A I never notice the marks of the wearing of water.

6 Q This pumped well was cut or perforated, wasn't it?

7 A Yes, sir.

8 Q All the water from the top down, wherever this water
9 gravel was found,--

10 A Wherever there was supposed to be water gravel.

11 Mr. Joliffe: I understood that the witness stated
12 that he had some records at home which he didn't have with
13 him. Is this record which you have discovered during the
14 noon intermission all that you have?

15 A No; when I think of it, I know there was the record kept
16 by the engineers when they were running the steam plant and
17 they were obliged to keep a record of the amount of oil
18 used, both lubricating and fuel oil, and also the amount of
19 water pumped, and it was that, I believe, that I referred
20 to, and the record day by day.

21 Mr. Britt: I was going to ask the witness if he didn't
22 have some more minute record to show the quantity of water
23 pumped from day to day.

24 A Since Mr. Joliffe asked the question I remember once
25 during the day (and I also refreshed my memory now--

26 Mr. Britt: That is what I asked the witness about this morn-
27 ing, and I assumed it would be produced by him. Did you
28 first operate this well with a steam plant?

29 A We did for four years, until the fall of 1904, when we

J. BENJAMIN
OFFICIAL REPORTER
SUPERIOR COURT

1 put in a deep well pump with electric power.
2 Q You got the power from the Ontario Power Company?
3 A From the Ontario Power Company.
4 Q During the time you were operating the steam pump,
5 when you pumped at all did you pump day and night?
6 A We did.
7 Q All the time?
8 A Yes, sir; I will say the first three or four ~~XXXXX~~ week s
9 run the pump never stopped an hour, and after that it was
10 almost continuous run. Of course, we had a few breakages.
11 Q In answer to r. Haskell you agreed to find out the time
12 those breakages caused the cessation of pumping.
13 A Yes, sir.
14 Q Since you operated with electric power when you pumped
15 at all did you pump day and night?
16 A We did.
17 Q In 1905, from June 1st to August 1st, you were supplied
18 with water by the Ontario Power Company?
19 A Yes, sir.
20 Q From what source? Do you know where that water came from?
21 A It was supposed to come from the San Antone Canyon into
22 our pipe line.
23 Q They were giving you water instead of electricity?
24 A They wer~~xx~~.
25 Q And during that time you were not operating the pump?
26 A Yes; we pumped during that time for to supply the Upland
27 Land and Water Company's 10 acres at the well once a month.
28 Q Once a month during what time?
29 A 24 hours once a month for the 10-acre orchard.

THE HISTORY OF THE CITY OF BOSTON
FROM THE FIRST SETTLEMENT TO THE PRESENT
BY SAMUEL JOHNSON
IN TWO VOLUMES
VOL. I.
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LONDON: SOLD BY J. JOHNSON, ST. PAUL'S CHURCH-YARD, 1780.
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J. BENJAMIN
OFFICIAL REPORTER
SUPERIOR COURT

Q. Was there any other time that you made a similar deal with the Ontario Power Company to exchange electricity for water?

A. In 1906 I think they furnished us with water for one or two months. And you didn't pump?

A. We didn't pump. In 1907 we began pumping in June-- the first of June.

Q. Whenever you have spoken of pumping you refer to pumping from the Sourvine well, have you?

A. I have; yes.

Q. You stated that in 1906, as I understood you, that the Ontario Power Company had a surplus of water so that it would give you water in exchange for your quantity of electricity which you were entitled to under your contract?

A. Yes, sir.

Q. Has the Ontario Power Company had a surplus of water at other times?

A. I don't know.

Q. In 1906 did they have more water than they needed?

A. They furnished us a head of water for two months.

Q. Are you a regular customer of the Ontario Power Company for water? Is your company a regular customer of the Ontario Power Company for water?

A. No, sir.

Q. Did you ever receive water from the Ontario Power Company other than those months in 1906 and 1907?

A. Mr. Sourvine at one time rented some water of the stockholders of the San Antonio Company to fill out vacancies or

1 water due to the Upland Water Company stockholders. That
2 was along in the winter time.

3 Q From whom?

4 A From stockholders of the San Antonio Water Company--
5 parties not using their water from the San Antonio Water Com-
6 pany-- and rented water to the stockholders of the Upland
7 Water Company.

8 Q I suppose by San Antonio Water Company you mean San An-
9 tonio?

10 A I do; yes, sir; excuse me for abbreviating.

11 Q On which side of the San Antonio Creek are your lands
12 situated?

13 A We are on the east side.

14 Q How far from the creek or wash?

15 A About half to three-quarters of a mile. In reference
16 to the question a moment ago, it was in February, 1905, we
17 got about 8 days run of water from stockholders of the San
18 Antonio Water Company to supply stockholders of the Upland
19 Water Company. Instead of running our pumping plant we rent-
20 ed the water.

21 Q That was in the winter time?

22 A Yes, sir.

23 Q Were you irrigating in the winter at that time?

24 A It was a dry February and the people wanted to use some
25 water.

26 Q In answer to questions by Mr. Haskell you said, as I
27 understood you, that you used about 60 inches of water de-
28 rived from the Sycamore tunnel on the 200 acres of land,
29 and in addition you used the water you received from the

1 Sourwine pump on the same 200 acres.

2 Q That might be confusing. There were three water compan-
3 ies: The Mountain View and the Canyon Ridge and the Up-
4 land Water Company. Parties, myself among them, holding
5 stock in all three companies, using water on the same land.
6 I have about 2 inches water right out of the three compan-
7 ies to the 10 acres and most of the other parties on the
8 Mountain View tract have similar amounts.

9 Q You mean to say that you used six inches of water to
10 irrigate 10 acres of land?

11 A No, sir; I mean that I used 2 inches of water to irrigate
12 10 acres of land.

13 Q How much water is used altogether to irrigate that 200
14 acres of land?

15 A I would have to tabulate it, I suppose.

16 Q I don't ask you for any minute computations. But if
17 you were getting 60 inches from the Sycamore tunnel and then
18 whatever you were taking from the Sourwine well, and some-
19 times it seems to have been 29 inches and sometimes well
20 up toward 40 inches--

21 A Yes, sir.

22 Q Now there would be 90 inches of water for 200 acres of
23 land.

24 A It is not all used on that 200 acres. There is 400 acres
25 in that tract and it is distributed over that amount instead
26 of the 200. I was a little confused in regard to the number
27 of acres it was used on. I said the Upland water was
28 used on about 200 acres. It is not distributed-- every man
29 in the tract hasn't got Canyon Ridge; one man may have Can

1. The first thing I noticed when I stepped out of the plane was the fresh air. It felt like a warm blanket after a long flight. The sun was shining brightly, and the birds were chirping happily. I took a deep breath and felt a sense of peace wash over me. The landscape below was beautiful, with rolling green hills and a small town in the distance. I walked towards the town, feeling a sense of adventure. The people there were friendly and welcoming. I stayed in a small inn and enjoyed the food. The night was quiet, and I fell asleep peacefully. The next morning, I woke up early and went for a walk. The air was cool, and the sun was just rising. I saw a small stream flowing through the hills. The water was clear, and the rocks were smooth. I sat on a rock and watched the water flow. It felt like time had stopped. I stayed in the town for a few days, enjoying the simple life. The people there were kind, and the food was delicious. I felt like I had found a new home. I packed my bag and said goodbye to the town. I walked back to the plane, feeling a sense of accomplishment. The flight was long, but it was worth it. I had found what I was looking for. I was home.

J. B. JAMIN
OFFICIAL REPORTER
SUPERIOR COURT

1 on Ridge and Upland and another man have U land and Moun-
2 tal View.

3 The Court: I understand you to say 2 inches each from the
4 three companies.

5 A No; I have a total of 2 inches, and each man has about
6 the same proportion,-- two inches to 10 acres.

7 Mr. Britt: Did you keep lowering that pump on the Sourvine
8 well from 1901 to 1904? Did you drop it lower and lower in
9 the shaft?

10 A We did.

11 Q After the water began to rise in the shaft did you then
12 raise it higher and higher in the shaft?

13 That was the lowest point that you had it in the shaft?

14 A The depth of our shaft is 180 feet and we had it down to
15 within 5 feet of that-- 175 feet.

16 Q And as the water raised in the shaft you raised the
17 pump?

18 A Yes, sir.

19 Q Do you know how high the water is in the shaft now?

20 A I think it must be about 150 feet from the surface. I
21 don't know. But judging from what it was at the beginning
22 of the pumping season last year.

23 Q What was it then?

24 A It was about that.

25 Q You don't know whether it changed?

26 A No, sir; I do not.

27 Q At the beginning of the pumping season of 1908 it was
28 about 150 feet below the surface?

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1 A I didn't measure it to be accurate about it.

2 Q How did you get your information that it was 150 feet?

3 A Knowing the depth of the shaft and where the water stood
4 in the shaft, I come approximately to it.

5 Mr. Haskell: I understood you to say in answer to a ques-
6 tion in cross-examination that I gave you that there was
7 60 inches of water ~~from the~~ other than the pumped water used
8 on this 200 acres of land during the irrigating season of
9 each year, and I asked you first if there was 100 inches used,
10 and you said there was 60 of that 100 and I understood you.

11 Is that correct?

12 A I didn't mean that the 60 inches was used on this 200
13 acres of land alone. The 60 inches from the Mountain View
14 tunnel was distributed over some 480 acres.

15 Q There is this 100 inches of water that you spoke of in
16 your direct examination used? On how many acres of land?

17 A Part of that belongs-- 20 inches or more belongs to the
18 Nebraska Water Company--

19 Q Just confine it to the acres. Upon how many acres of
20 ground is this 100 inches used of which you spoke on direct
21 examination?

22 A Some 540 acres.

23 Q How many inches of that 100 is used on this 200 acres of
24 ground over which the Upland Water Company spreads its
25 pumped water?

26 A I said a while ago that there was 60 inches of it. I
27 had reference to that amount being used on the tract, but
28 it is not all used by the parties owning this Upland water.
29 About 40 inches of it perhaps is used ~~on the~~ 200 by parties

1 Q Then there would be 40 inches used on the 200 acres dur-
2 ing the irrigating season? That is correct, is it?

3 A Perhaps so.

4 Then altogether there would be this 40 inches and this
5 pumped water used on the 200 acres over which the Upland
6 Water Company spreads its water, making 70 inches of water
7 in all? That is approximately correct, isn't it?

8 A Perhaps so. Allow me to correct myself and inform you--

9 Q Just correct yourself without informing me.

10 A Of this pumped water there is about 20 parties-- 200
11 shares of the 300-- used on that tract. That would be in-
12 stead of the full pumped head being used on that tract as a
13 continuous head-- it would make only about 20 inches
14 of water used there. That is, 20 days out of 30 days, this
15 pumped head runs on to that tract. The other 10 days it is used
16 on other lands further up, by Mr. Courvine and others that
17 hadn't used the water.

18 The Court: Evidently Mr. Haskell understands this, but I
19 don't.

20 A I have tried to make it plain.

21 The Court: I know. Perhaps it is my stupidity.

22 A In answer to Mr. Brett's question I explained that the
23 parties had stock in the three companies which aggregated them
24 about two inches of water right to each 10 acres.. And I
25 explained that we used the water for a certain few days here
26 and a certain few days there. I haven't been able to get the
27 attorneys to understand that.

28 The Court: Is there any arrangement whereby the water of
29 these three companies is distributed through a common zanjero?

1 It is a common zanjero; yes.

2 In that respect the three companies coöperate, and no
3 farther.

4 Yes; and no ~~farther~~ farther. They used the same distribu-
5 tion pipes.

6 You spoke some time ago about Mr. Sourwine taking credit
7 for certain water: that has been the practice in regard to
8 that credit for water? Did he have the right to use it
9 later or sell it to someone else?

10 Allow me to explain that. When we organized the company
11 the people of this Mountain View tract wanted about two-thirds
12 of the amount of water that would be pumped from there--
13 about 20 inches. Mr. Sourwine agreed to take a third of
14 the stock. He wasn't able to use all that stock. For two
15 seasons he rented about four or five days out of his 8 or
16 9 days of the month to this Mr. Salisbury, and we ran a steam
17 plant, and Mr. Sourwine says "I can't use no water, but I
18 don't want to run it to waste and waste the oil. If I can
19 save the oil by stopping the plant I want credit for it."
20 And while we were running with the steam plant and paying
21 two engineers by the month,-- the engineers' salary went
22 continuous,-- Mr. Sourwine paid the salaries during the
23 stoppage. When he stopped pumping two or three or four days
24 on his time he got credit for the oil not consumed and the
25 lubricating oil not used.

26 That is the only credit that he actually got?

27 That is the credit. Then with our Ontario Power Company
28 Mr. Sourwine got a contract with them that we were to take
29 100 days power each year, beginning June first; that we were

1 to take 20 days power each month-- a minimum of 20 days
2 each month, for the continuous five months. We could have
3 30 days if we chose to use it. And we had water from other
4 sources and it has been so that during the four years since
5 1905-- the spring of 1905 we have used just about the 20
6 days each month that we contracted for the power. So we
7 have used about 100 days each year during the last four years.
8 It might be a few days less or a few days more. Previous to
9 that we had run up to six months. In 1902 we ran our steam
10 pump for six months with interruptions of a few days at a
11 time.

12 Q. You say your zanjero represents the three companies?

13 A. Yes, sir.

14 Q. Is it left to him to determine from which source of sup-
15 ply to furnish you?

16 A. No, sir; he furnishes me with my Upland water at the con-
17 venience of the pipe line. The Mountain View owning the pipe
18 line has precedence in the pipes, and the other two companies
19 are shifted about, in fact, and at his convenience he can
20 furnish it.

21 Q. Can you then determine just what proportion of your wat-
22 er comes from one source of supply or another?

23 A. I keep an account of each irrigation and I could deter-
24 mine where my water came from; yes; in the last four or
25 five years.

26 Q. And each of the other users can do the same?

27 A. I don't know whether they kept a record.

28 Q. Do you have to depend on the zanjero for information or
29 do you have ways of getting at it independent of the zan-

1 jero as to where your water comes from.

2 A When he notifies us he notifies us that we receive Up-
3 land water or Mountain View water or Canyon Ridge water.

4 Q You simply keep the data yourself?

5 A Yes, sir; he is supposed to keep a record similar to
6 what I have in this book.

7 Mr. Haskell: Now, I understand that 20 inches of this
8 pumped water, according to your last statement, is used on
9 200 acres of ground of which you have been speaking. That is
10 correct, isn't it?

11 A Yes, sir; there is about 200 acres on the Mountain View
12 tract that receives water from the Upland Water Company.

13 Q That is, 20 inches?

14 A That is about 20 inches; yes, sir.

15 Q And there is 10 inches of this pumped water used on
16 some other acreage?

17 A Mr. Sourwine--

18 Q Is that correct?

19 A Yes, sir.

20 Q Where is that used? On how many acres?

21 A I don't mean to say that it is used every month, because
22 they haven't pumped continuously every day of the month. Mr
23 Sourwine used from two to five days per month on his land
24 a mile to the northeast of the Mountain View tract.

25 Q And there was one day each month used at the Upland
26 Water Company's well, on that 10 acres.

27 Q For this 200 acres of ground you pumped 20 days each
28 month?

29 A Yes, sir.

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OFFICIAL REPORTER
SUPERIOR COURT

Q To the full capacity?

A Yes, sir

Q And for 10 other days in the month that well was pumped to its full capacity for other ground, wasn't it?

A No, sir. I said it was pumped from two to three or four or five days, whatever Mr. Sourwine and some of the stockholders otherwise could use.

Q But there was a pumping for other ground over and above the 20 days that it was pumped for the 200 acres of which you have spoken?

A Mr. Sourwine's land not being in the Mountain View tract, it was pumped for his land.

Q And he was entitled to pump 10 days if he wanted to?

A He was entitled to pump his proportion of the stock.

Q Which was 10 days?

A Not always, no. Because he had sold off some stock.

Q Other stockholders were entitled to pump 10 days?

A Yes, sir.

Q And they usually did pump 10 days, didn't they?

A No, sir; they did not.

Q How often have they pumped?

A They pumped whenever they needed the water.

Q That would be about how often each month?

A It would be for part of the 10 days for each month--

3 or 4 or 5 days, whatever they could make use of the water.

Q But not more than 5 days?

A Sometimes it was used continuously. When the pump would break down then we would run continuously to make up the loss of time.

1 Q Sometimes they have pumped the full 10 days on this other
2 ground?

3 A Yes, sir; some times-- not on the other ground, because
4 the stockholders on the Mountain View would be behind and
5 they would make up time to them.

6 Q What I am asking you is how many days these other stock-
7 holders than those interested in the 200 acres of which you
8 have been speaking, operated the pump for themselves.

9 A They didn't operate it for themselves; the company oper-
10 ated it for them.

11 Q Does your record show how many days?

12 A The record here shows every hour of irrigation water
13 used from that pump except last year which is not recorded
14 in this book yet.

15 Q Do you know what supplies of water this other ground had
16 besides the pumped water?

17 A Mr. Sourwine's land didn't have any other supply.

18 Q No other supply at all? You mean the land around the
19 well?

20 A The land around the well has no other supply.

21 Q But there was other land irrigated by this pumped water
22 beside the 200 acres and besides the land that was around
23 the ~~pump~~ well?

24 A I said that Mr. Sourwine had 80 acres and there was 40
25 of it under the pipe that he used pumped water on that when
26 he needed it.

27 Q And he used pumped water on that?

28 A Yes, sir.

29 Q And he used other water on it?

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SUPERIOR COURT

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1 A He at one time had some San Antonio Water Company stock
2 and he used that, but he used about 30 hours to 40 and some-
3 times 60 hours per month on his grove on this other land
4 from the pump.

5 Q Do you know how many inches of water he had besides
6 this pumped water for his land?

7 A I believe he only had ay the outside about 8 shares of
8 San Antonio Water Company stock.

9 Q That would give him how many inches of water?

10 A I don't know how much he had outside.

11 Mr. Britt: This pipe that leads from the Sourwine well
12 over to Ontario or Upland--

13 A Mountain View tract.

14 Q The Mountain View tract is north of Upland?

15 A It is northwest.

16 Q As I understood you to say, it is about five miles in
17 length?

18 A It is about five miles in length. I was going to tell
19 you the number of feet but I forget that.

20 Q And it is sunk into the ground on the Sourwine place?

21 A Yes, sir.

22 Q And remains sunk into the ground from there westward to
23 the Mountain View tract?

24 A It is under ground all the way.

25 Q Always has been?

26 A Always has been.

27 Q It runs for some miles west of the Sourwine place through
28 an uninhabited and rocky and barren country?

29 A You refer from the well westward?

1 Yes.

2 A The company bought the 20 acres of land to the west of
3 the well. The pipe line comes out of the lower corner and
4 across here. For a ways it is nice level land and then it is
5 the Cucamonga wash, till it, ~~xxxx~~ comes within
6 of Euclid Avenue, and there it strikes the orchards and
7 cultivated land and runs through that, crossing the Euclid
8 a venue half way between 16th and 17th streets.

9 What I am getting at is whether or not the pipe line is
10 laid in the ground part of the way through uncultivated and
11 uninhabited land.

12 A Yes, sir; desert land.

13 RE-DIRECT EXAMINATION.

14 MR. JOLIFFE: Q How many shares is your company capitalized
15 for?

16 A ~~xxxx~~ 300.

17 Q Of that how much does one share represent? 1/300 part
18 of the water from the well?

19 A Yes, sir.

20 Q And when you speak of the 20 inches used on the 200 acre
21 tract you mean the water which the owners of 200 shares
22 would be entitled to?

23 A That is what I mean.

24 Q Sometimes that would be more than 1 inch to 10 acres and
25 sometimes a little less?

26 A According to the pumped head. When the pumped head was
27 more than 30 inches it would be more than an inch to 10
28 acres. At the present time we pumped 35 inch heads; it is 5
29 inches more than the 10 shares.

J. BENJAMIN
OFFICIAL REPORTER
SUPERIOR COURT

1 Q You read into the record a few measurements less than
2 30 inches. That is the reason I mentioned it.

3 A Yes, sir.

4 Q At those times, the owners of the 200 shares of stock,
5 their proportionate share was the ir proportionate share
6 of what was pumped.

7 A If the head was short they took the head as their pro-
8 portion.

9 Q Now at the time when you were supplied with water by
10 the San Antonio Company instead of power from the Ontario
11 Power Company, what season of the year was it? At the time
12 of high water in the creek or when?

13 A It was early in the season when there was an abundance
14 of water in the creek.

15 Q At this time when you have spoken of their being 40 inch-
16 es of water used on this same land, do you mean there was
17 40 inches used on this 200 acres or on the 480 acres--
18 40 inches from the Sycamore tunnel?

19 A From 1901 to 1904 the Sycamore tunnel was supplying us
20 for that tract less than 28 inches of water-- on a tract
21 of over 400 acres of land, and then the pump head from the
22 Sourwine well was used there also.

23 Q I inquire of the time since that-- since 1905 or 1904
24 when you say you have been getting more water from the Syc-
25 more tunnel, and you believe 40 inches of water that was
26 used on some place on that 480 acre tract. Do you mean to
27 say that was used on the 200 acres or was it used on the
28 entire 480 acres?

29 A There was about 60 inches of water used on the entire 480

acres.

Q And was the proportionate amount used on the 200 acres?

A There was a proportionate amount used on the 200 acres.

Q And only a proportionate amount?

A Only a proportionate amount.

Q What season of the year did you get that 60 inches?

During the summer season or during times of high water?

A The last four years we had the full head of water from the Mountain View wells.

Q This pipe line that runs from the Sourwine well across Euclid Avenue is an underground pipe line?

A Yes, sir.

Q What season of the year was that pipe line laid?

A That was laid between the 1st of May and the 19th of August in 1901.

Q What roads did it cross?

A It crossed Euclid Avenue and 10th Street, San Antonio Avenue and Mountain Avenue.

Q On those roads and streets, what is the extent of the travel on them?

A Euclid Avenue and 10th Street and San Antonio Avenue have quite a heavy traffic. Mountain Avenue is only occasional.

Q And during the whole distance, wherever it crossed the roads and otherwise, what was the nature of the work done in the way of being concealed or otherwise?

A The pipes were all buried underneath the ground to be out of the way of cultivation or plowing.

Q But at the time of doing the work?

1 Q It was out in public and open and everybody could see it.

2 Q How about the marks of where the pipe line extended?

3 Were any marks left above ground that were discernible to
4 anybody looking?

5 A I can trace the pipe line clear across that desert yet
6 from the evidence of the ditch being dug.

7 Mr. Britt: Q

8 X ~~XXXX~~ ~~THE~~ These streets and avenues which you have men-
tioned are over at Uplands, are they?

9 A Yes, sir.

10 Mr. Joliffe: Q And are not part of them in the Cucamonga
11 region?

12 A This road is in the Cucamonga country.

13 What road is that?

14 A That is known as Carnelian Street.

15 Q It is marked on exhibit 77 Carnelian Street?

16 A We were about three months laying that pipe line, and
17 anybody who wanted to could see it.

18 Q Were there many people around during the time you were
19 laying it?

20 A There was a gang of 10 or 15 men at work digging out
21 that cement ditch and hauling pipe and doing the necessary
22 work, and it wasn't done in the night time at all-- no part
23 of it.

24 Q You may state whether or not it was a matter which at-
25 tracted a good deal of attention at that time and people
26 were observing it as to whether or not the putting down of
27 that well attracted atention-- whether it was a matter of
28 experiment in the developing of water, and on that account
29 attracted attention?

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THE END

OFFICIAL REPORT
SUPERIOR COURT

1 Mr. Waters: I want to make just one objection. That is,
2 that the question is leading.
3 The Court: No doubt of that.
4 Mr. Waters: And it is objected to on that ground.
5 The Court: Sustained.
6 Q Now you may state if you know what was the general
7 public sentiment in that community in regard to that well,
8 as to whether or not it was being watched to see what the
9 result of it would be.
10 Mr. Britt: That is objected to on the ground that it calls
11 for the conclusion of the witness or his opinion of the
12 public mind, and that it is irrelevant and immaterial.
13 The Court: Sustained.
14 RE CROSS-EXAMINATION.
15 Mr. Haskell: Q Now, as I understand you, according to
16 the last statement that you have made, 20 inches of pumped
17 water was used on this 200 acre tract.
18 A No; 20 days out of the month the water was used on that
19 tract out of this pump.
20 Q And that amounted to about 20 inches?
21 A Yes, sir.
22 Q Now you say there is a certain amount of water, 60 inches,
23 used on 480 acres, of which this 200 acres gets its propor-
24 tionate part.
25 A Yes, sir.
26 Q Now is there any other water in addition to that used
27 on this 200 acres?
28 A There is some parts that have a little water out of the
29 Canyon Ridge well.

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SUPERIOR COURT

Q How much water is that?

A It pumps about a 20-inch head.

Q And they operate it right along in the irrigating season?

A They do.

Q And that is used on the 200 acre tract?

A Not all of it.

Q What proportion of it?

A Well, about one-third perhaps.

Q And where is that well located?

A That is located on 21st Street and Mountain Avenue, or a few feet from it.

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1. The first part of the document is a letter from the President of the United States to the Congress, dated January 1, 1863. It is a very important document, as it is the first time that the President has written to the Congress since the signing of the Emancipation Proclamation. The letter is a very long and detailed one, and it covers a wide range of topics. It begins with a statement of the President's position on the war, and then goes on to discuss the various issues that are facing the country at the time. The President's tone is very firm and determined, and he makes it clear that he is committed to the Union and to the principles of liberty and justice for all. The letter is a very important document, and it is one that should be read by every citizen of the United States.

2. The second part of the document is a letter from the Secretary of the War Department to the Secretary of the Navy, dated January 1, 1863. It is a very important document, as it is the first time that the Secretary of the War Department has written to the Secretary of the Navy since the signing of the Emancipation Proclamation. The letter is a very long and detailed one, and it covers a wide range of topics. It begins with a statement of the Secretary's position on the war, and then goes on to discuss the various issues that are facing the country at the time. The Secretary's tone is very firm and determined, and he makes it clear that he is committed to the Union and to the principles of liberty and justice for all. The letter is a very important document, and it is one that should be read by every citizen of the United States.

3. The third part of the document is a letter from the Secretary of the Treasury to the Secretary of the War Department, dated January 1, 1863. It is a very important document, as it is the first time that the Secretary of the Treasury has written to the Secretary of the War Department since the signing of the Emancipation Proclamation. The letter is a very long and detailed one, and it covers a wide range of topics. It begins with a statement of the Secretary's position on the war, and then goes on to discuss the various issues that are facing the country at the time. The Secretary's tone is very firm and determined, and he makes it clear that he is committed to the Union and to the principles of liberty and justice for all. The letter is a very important document, and it is one that should be read by every citizen of the United States.

4. The fourth part of the document is a letter from the Secretary of the Interior to the Secretary of the War Department, dated January 1, 1863. It is a very important document, as it is the first time that the Secretary of the Interior has written to the Secretary of the War Department since the signing of the Emancipation Proclamation. The letter is a very long and detailed one, and it covers a wide range of topics. It begins with a statement of the Secretary's position on the war, and then goes on to discuss the various issues that are facing the country at the time. The Secretary's tone is very firm and determined, and he makes it clear that he is committed to the Union and to the principles of liberty and justice for all. The letter is a very important document, and it is one that should be read by every citizen of the United States.

5. The fifth part of the document is a letter from the Secretary of the Agriculture to the Secretary of the War Department, dated January 1, 1863. It is a very important document, as it is the first time that the Secretary of the Agriculture has written to the Secretary of the War Department since the signing of the Emancipation Proclamation. The letter is a very long and detailed one, and it covers a wide range of topics. It begins with a statement of the Secretary's position on the war, and then goes on to discuss the various issues that are facing the country at the time. The Secretary's tone is very firm and determined, and he makes it clear that he is committed to the Union and to the principles of liberty and justice for all. The letter is a very important document, and it is one that should be read by every citizen of the United States.

J. J. ATWOOD.

J. J. ATWOOD, a witness produced by defendants, being first duly sworn, testified as follows:

DIRECT EXAMINATION.

Mr. Joliffe: Q Where do you live?

A Upland.

Q You are the J. J. Atwood named as one of the defendants in this case?

A Yes, sir.

Q I will ask you if you know the location of the well sometimes spoken of as the Rubio well.

A Yes, sir.

Q I will ask you if you now own the land in that vicinity?

A I do.

Q Have you a deed to it?

A I have.

Mr. Joliffe: I offer in evidence a deed from A. T. Locke to J. J. Atwood and P. E. Walline, dated March 24, 1906, and recorded April 7, 1906, in Book 375 of Deeds at page 111, of the records of this county. (Reads deed, as follows:)

DEFENDANTS' EXHIBIT "B"

Know all Men by These Presents, That I, A. T. Locke of San Bernardino County, California, in consideration of Sixteen Thousand dollars, the receipt whereof is hereby acknowledged, grant to J. J. Atwood and P. E. Walline also of San Bernardino County, California, all that real property situate in the said County of San Bernardino, State of California, bounded and described as follows:

Lot eleven (11) and part of Lots five (5) six (6) and

1. The first thing I noticed when I stepped out of the plane was the fresh air. It felt like a warm blanket after a long flight. The sun was shining brightly, and the birds were chirping happily. I took a deep breath and felt a sense of peace wash over me. The world was so beautiful, and I was so lucky to be here. I smiled and looked up at the sky, feeling grateful for everything. The plane was so comfortable, and the crew was so friendly. I was in good luck. The first thing I noticed when I stepped out of the plane was the fresh air. It felt like a warm blanket after a long flight. The sun was shining brightly, and the birds were chirping happily. I took a deep breath and felt a sense of peace wash over me. The world was so beautiful, and I was so lucky to be here. I smiled and looked up at the sky, feeling grateful for everything. The plane was so comfortable, and the crew was so friendly. I was in good luck.

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SUPERIOR COURT

twelve (12) in block twenty (20) of the tract of Land of the Cucamonga Homestead Association, according to a plat recorded in Book 6 of Maps at page 46 of the records of said County, described by metes and bounds as follows: Beginning at the North East Corner of said Lot eleven, thence North 104°55' West along the north line of said Lot 11 and lot 5, fourteen hundred and fifty nine and eight tenths (1459.8') feet, to a corner stake, thence South 15°31' East six hundred and sixty (660) feet to a corner stake, thence South 44°20' East seven hundred and twenty five (725) feet to a corner stake on the South line of said Lot 12, thence South 105° East along the South line of said Lot 12 eleven hundred and seven (1107) feet to the South East corner of said Lot 12, thence North 15°31' West along the East line of said Lot 12 and 11 thirteen hundred and twenty (1320) feet to the place of beginning, containing 41.6 acres, more or less, reserving therefrom a right of way for a road between Lots 11 and 12 and between and across Lots 5 and 6, as said road now exists, and subject to a mortgage for \$15000 now on the property which mortgage grantees assume as part of the purchase price hereof, and subject also to all the rights and interests heretofore conveyed to the San Antonio Water Company.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

Witness my hand this twenty fourth day of March, 1906.

(Signed) W. T. Leeke (Seal)

1 State of California, }
2 County of San Bernardino } ss.

3 On this 26th day of March, in the year one thousand,
4 nine hundred and six, before me E. H. Joliffe, a Notary
5 Public in and for the County of San Bernardino, State of
6 California, residing therein, duly commissioned and sworn,
7 personally appeared W. T. Leeke known to me to be the per-
8 son whose name is subscribed to the within instrument, and
9 he acknowledged to me that he executed the same.

10 Witness my hand and official seal at said County:

11 E. H. Joliffe

12 Notary Public in and for the County of
13 (Notarial Seal) San Bernardino, State of California.

14 Endorsed:

15 Recorded at Request of J. J. Atwood Apr 7 1906 at
16 10 Min. past 8 A. M. in Book 375 of Deeds Page 111 Records
17 of San Bernardino County.

18 J. F. Johnson, Jr., County Recorder

20 Mr. Britt: We have no objection to the deed but we reserve
21 the right, the same as we did in case of exhibit 1, to
22 require proofs of the origin of the title in case we should
23 deem it necessary.

25 Mr. Joliffe: I now offer a deed from F. E. Walline and
26 Jennie F. Walline to J. J. Atwood, dated December 13, 1906,
27 and recorded January 4, 1907, in Book 384 of Deeds at page
28 251.

29 Mr. Britt: No objection, with the same understanding.

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DEFENDANTS' EXHIBIT "C"

Bargain and Sale Deed and Quit Claim.

This Indenture, made the Thirteenth, day of December, in the year of our Lord one thousand, nine hundred and six, Between P. E. Salline, and Jennie A. Salline, husband and wife, of Upland, Calif., the parties of the first part, And J. J. Atwood, of Upland, Calif., the party of the second part,

Witnesseth: That the said parties of the first part, for and in consideration of the sum of One Dollar Gold Coin of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents, grant, bargain and sell, convey, quit claim and confirm, unto the said party of the second part, and to his heirs and assigns forever, all those certain lots, pieces, or parcels of land, situate, lying and being in the County of San Bernardino, State of California and bounded and particularly described as follows, to-wit Lot Eleven, (11) and a part of Lots five, (5) Six, (6) and Twelve, (12) in Block Twenty, (20)- the same being a part of the Cucamonga Homestead Association Tract, according to a plat recorded in Book 6 of Maps, at Page 46, of the records of said County, and more particularly described as follows to-wit: Beginning at the North East Corner of said Lot 11 thence North 104°55' West along the North line of said Lot 11, and Lot Five, (5) Fourteen hundred fifty-nine, and eight tenths (1459.8) feet to a corner stake, thence North 15°31' East, Six hundred, and sixty (660) feet to a corner

1 state, thence South 44 20 East Seven Hundred, and twenty-five
2 (725) feet to a corner stake on the South line of said Lot 12,
3 thence South 105° East along the south line of said Lot 12,
4 Eleven hundred, and seven (1107) feet to the South East Cor-
5 ner of said Lot 12, thence North 15° 31' West along the East
6 line of said Lot 12 & 11, Thirteen hundred, and twenty (1320)
7 feet to the place of beginning containing Forty-one, and
8 six tenths (41.6) acres more or less. Reserving therefrom a
9 right of way for a road, between Lots 11, and 12, and between,
10 and across Lots 5, and 6 as said road is now located. The
11 property being subject to a mortgage of \$15000. the payment
12 of which is assumed by the Grantee. Also subject to the
13 rights, and interests heretofore conveyed to the San Antonio
14 Water Company.

15 There is also hereby conveyed to grantee the follow-
16 ing, viz: A strip of land Thirty-three (33) feet wide, ly-
17 ing immediately NORTH of and adjoining Lots 5, and 11 in
18 Block 20, of the above, and foregoing described tract.

19 This deed also carries with it right of electric power
20 secured by Grantor, and Grantee from the Ontario Power
21 Company, bearing date May 1, 1906, and subject to the terms,
22 and conditions mentioned in said contract.

23 Together with all and singular the tenements, heredit-
24 aments and appurtenances thereunto belonging or in any wise
25 ascertaining, and the reversion and reversions, remainder
26 and remainders, rents, issues and profits thereof.

27 To have and to hold, all and singular the said premises,
28 together with the appurtenances, unto the said party of the
29 second part, and to his heirs and assigns forever.

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In witness whereof, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered) in the presence of P. E. Walline (Seal) Jennie A. Walline (Seal)

State of California) ss. County of San Bernardino)

On this 31st day of December, in the year nineteen hundred and six, before me, A. H. Lawrence, a Notary Public in and for said County, residing therein, duly commissioned and sworn, personally appeared P. E. Walline, and Jennie A. Walline his wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Witness my hand and official seal.

A. H. Lawrence (Notarial Seal) Notary Public in and for said County.

Endorsed:

Recorded at request of J. J. Atwood Jan 4 1907 at 55 min past 3 P. M. in Book 384 of Deeds Page 251 Records of San Bernardino County.

J. F. Johnson Jr. County Recorder.

OFFICIAL REPORTER
SUPERIOR COURT

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SUPERIOR COURT

1 Q Mr. Atwood, this well which you have spoken of as the
2 Rubio well, was that located on this land or where was it
3 located?

4 A It was located on the western end, half way between the
5 north and south.

6 Q Do you know when that well was put down?

7 A I do not; it was there when I bought the place.
8 Do you know how long it had been there before that time of
9 your own knowledge?

10 A I think about four or five years, but I am not sure.

11 Q What amount of water was obtained from that well, if
12 you know?

13 A About 25 to 30 inches, that is all the pump would pump.

14 Q There is a pumping plant there too?

15 A Yes, sir.

16 Q Which you bought along with the land?

17 A Yes, sir.

18 Q What was done with the water that was pumped from that
19 well?

20 A Used on that place.

21 Q What is that place planted with?

22 A Oranges.

23 Q What amount of water is needed for the irrigation of that
24 place?

25 A 3 inches continuous flow.

26 Q What amount of water has been used there? About that
27 amount?

28 A About that amount; yes, sir.

29 Q Have you any other water supply for that place?

1. The first part of the report is a general introduction to the project. It describes the purpose of the study and the objectives that have been set. It also provides a brief overview of the methodology that will be used to collect and analyze the data.

2. The second part of the report is a detailed description of the methodology. This section explains the specific techniques that were used to collect the data, as well as the procedures that were followed to ensure the reliability and validity of the results.

3. The third part of the report is a presentation of the results. This section contains a series of tables and graphs that show the data that was collected. It also includes a discussion of the findings and an interpretation of the results in the context of the research objectives.

4. The fourth part of the report is a conclusion. This section summarizes the main findings of the study and discusses the implications of the results. It also provides some suggestions for further research that might be conducted in the future.

5. The final part of the report is a list of references. This section contains a list of all the sources that were consulted during the course of the study. It includes books, articles, and other documents that provide background information on the topic.

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OFFICIAL REPORTER
SUPERIOR COURT

A No, sir.

Q What is the condition of that well now?

A That well caved in.

Q When?

A A year ago last summer-- along about August.

Q What have you done for water since?

A I rented water last year and I am putting down another well.

Q You are putting down a well on the same tract?

A Yes, sir.

Q What is your intention regarding the well you are putting down?

A To pump water for the 40 acres.

Q How much do you claim the right to pump, or expect to pump?

A I expect to pump the equal of 8 inches continuous flow.

CROSS EXAMINATION.

Mr. Britt: Q I understand from these deeds that you and Walline first bought this tract of land from Leeke?

A Yes, sir.

Q That was in 1900?

A Yes, sir.

Q Had you any acquaintance with the land before you bought it from Mr. Leeke?

A I knew where it was.

Q How long had you been acquainted with the Rubio well on the land?

A Well, ever since it was put down. I sold lumber for the shaft. I don't know just when it was exactly. It was in

1 the neighborhood of four years or so ago; I can't say exact-
2 ly.

3 Q Was that a well sunk from the bottom of a dug shaft?

4 A It was a shaft dug down and a drove well below that.

5 Q At the time you purchased the land in 1906 was the well
6 in commission or being pumped?

7 A Yes, sir.

8 Q Who was pumping it?

9 A I suppose they had pumped it. Whether the Water Company
10 pumped it the year before I got it I don't know. I suppose
11 they did. We commenced pumping it as soon as I got it and
12 it was in good working condition.

13 Q In what month did you take possession of it in 1906?

14 A In March.

15 Q You and Mr. Wallace jointly?

16 A Yes, sir.

17 Q Did you or he or both of you live on the place?

18 A No, sir.

19 Q Was the place occupied at all by anyone?

20 A We hired a man and made him move on the place as soon as
21 we bought it.

22 Q Had it previously been unoccupied?

23 A Nobody had been living on it.

24 Q Do you know how long it had been since anybody had
25 lived on it?

26 A No; I don't remember just how long. Possibly two years.
27 I don't know, I am sure.

28 Q Was the well equipped with a pump at the time you bought
29 the land?

1 A Yes, sir.

2 Q What sort? Steam, or how was it operated?

3 A It was operated by electric power.

4 Q From what source was the power derived?

5 A I got the power from the Ontario Power Company.

6 Q You used power from that source ever since when you
7 pumped the wells?

8 A Yes, sir.

9 Q Did you make any test of the well at the time or before
10 you purchased to see how much it would produce?

11 A No, sir.

12 Q Did Mr. Leeke tell you what the capacity was?

13 A The capacity of the pump was supposed to be 30 inches.

14 Q Was that what Mr. Leeke told you?

15 A Yes, sir.

16 Q Did you do any experimenting to determine?

17 A No, only as natural observation would indicate that that
18 is about what we were pumping. I never measured it.

19 Q At that time was the well connected in any way with a
20 pipe line of the San Antonio Water Company?

21 A No, sir.

22 Q Had there been any such connection previously?

23 A I think there had, but I wouldn't say for sure. I think
24 there had. I won't say for sure.

25 Q Were there any remains of a pipe or flume or other con-
26 duit on the ground?

27 A There was a pipe line runs past it about 20 or 25 feet
28 from the well.

29 Q Was that the pipe line of the San Antonio Water Company?

1	THE CITY OF BOSTON, 1630-1680
2	THE CITY OF BOSTON, 1680-1730
3	THE CITY OF BOSTON, 1730-1780
4	THE CITY OF BOSTON, 1780-1830
5	THE CITY OF BOSTON, 1830-1880
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19	THE CITY OF BOSTON, 2100-2110
20	THE CITY OF BOSTON, 2110-2120
21	THE CITY OF BOSTON, 2120-2130
22	THE CITY OF BOSTON, 2130-2140
23	THE CITY OF BOSTON, 2140-2150
24	THE CITY OF BOSTON, 2150-2160
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26	THE CITY OF BOSTON, 2170-2180
27	THE CITY OF BOSTON, 2180-2190
28	THE CITY OF BOSTON, 2190-2200
29	THE CITY OF BOSTON, 2200-2210
30	THE CITY OF BOSTON, 2210-2220

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SUPERIOR COURT

1 A Yes, sir.

2 Q It extends eastward to the Haskell well?

3 A Yes, sir.

4 Q Was there any remains of any pipe or flume running or

5 extending from the pump of the Rubio well on your land to

6 this pipe line?

7 A No.

8 Q You don't know whether there had been previously or not?

9 A No, sir.

10 Q During the time that you have owned the land or since March

11 1906 has any water been pumped from that well or turned in-

12 to the line of the San Antonio Water Company?

13 A No, sir.

14 Q Had you ever made any measurements of the depth of the

15 water in the well?

16 A I did not.

17 Q At any time?

18 A No, sir.

19 Q Either before or after you bought the land?

20 A No, sir.

21 Q Do you know now at what elevation the water stands be-

22 low the surface in the well?

23 A No; I do not. The well caved in.

24 Q That was in 1907, was it?

25 A Yes, sir.

26 Q What was the depth of that shaft?

27 A I am not sure but my impression is that it was about 90

28 feet.

29 Q Do you know what the depth of the well was or is?

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Q It is all filled up now. It caved in.

Q The pipe wasn't crushed?

A The pipe was pulled out when it commenced caving; so pulled the pipe and the pump out.

Q You pulled the pipe and the pump out of the well?

A Yes, sir.

Q How much pipe did you pull out of the well?

A About 100 feet. I don't know. I was measuring it up yesterday to see how much I had and there was about 100 feet laying there. I wasn't at the place when the pipe was pulled out. I own a lumber yard in Upland and I was busy and I sent men up to have the pipe pulled out and I paid no attention to it. I have been looking to see how much old pipe I had.

Q What was the diameter of the well that was caved in?

A 12 inches, I think. We never got the casing out. I don't know whether it was 10-inch or 12-inch.

Q What is the acreage in the piece of land that you bought from Mr. Leeke?

A 41.6 acres.

Q You are the sole owner of it now?

A Yes, sir.

Q What is it planted to?

A Oranges.

Q The whole of it?

A Yes, sir.

Q Have you kept an account or record of the quantity of water that you pumped during the years since you have owned it?

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1. The first thing I noticed when I stepped out
2. of the door was the cold air. It was a
3. new experience for me. I had never before
4. felt this way. The air was so fresh and
5. clean. It was a relief. I had been
6. inside for so long. I was so used to
7. the heat. I was so used to the
8. air. I was so used to the
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1 A No, sir; we pumped as we needed the water for irrigat-
2 ing. I never kept any measurements at all.
3 Q Do you know how many times each year you pumped? Have
4 you any record of the time you pumped?
5 A No, sir.
6 Q You estimate that 8 inches was the quantity necessary
7 for your orchard?
8 A Yes, sir.
9 Q Do you use the water for domestic purposes as well?
10 A For the man that lives at the house, yes.
11 Q You say that you rented water from some source.
12 A Yes, sir.
13 Q From whom did you rent it?
14 A From the Ontario Power Company or the San Antonio Water
15 Company. I don't know which one it came from.
16 Q With whom did you make your arrangement?
17 A I made the arrangement with the San Antonio Water Com-
18 pany.
19 Q Did you have a written contract?
20 A No; there was no written contract-- Well, I said I rent-
21 ed the water from them, but I didn't. I rented the water that
22 was owned by other parties that had stock in the San Antonio
23 Water Company that were not using their water. I rented 5
24 shares from the Huss Lumber Company. The balance of it I for-
25 get just how many shares I have rented, 42½ shares-- the
26 balance of it I had rented from L. T. Blakeslee personally
27 and L. T. Blakeslee trustee.
28 Q Where did that water come from?
29 A They had San Antonio Water Company stock. That was water

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1 that they didn't want to use.

2 Q You stated that you were boring or sinking another well.

3 A Yes, sir.

4 Q How far from the old one?

5 A 40 rods.

6 Q In which direction?

7 A North.

8 Q Directly north?

9 A Straight north.

10 Q Is it in the wash or on the bank?

11 A On the bank.

12 Q To what depth have you bored that well?

13 A 345 feet the man telephoned me yesterday.

14 Q Have you a log of the well?

15 A No, sir.

16 Q Is the drilling now going on?

17 A Yes, sir.

18 Q Has a log been kept of it at all?

19 A He was to keep it. I don't know whether he has. I have

20 only been up there twice while he was putting down the well.

21 Q The old Rubio well which you say has caved in, was that
22 in the wash or on the bank?

23 A It was standing on the side of the bank, down off of the
24 highest bank; not clear down in the wash but right in the
25 edge of the wash.

26 Q Did you at any time since you purchased that land measure
27 at all the depth from the surface of the ground to water?

28 A No, sir; I never did.

29 Q Do you know anything about the management of the well

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1 before you bought the land in March, 1906?

2 A I don't know.

3 Q Who is drilling that new well for you?

4 A Lapp-Gifford Company of Los Angeles.

5 Q Who is the person in the actual charge of the drilling?

6 A His name is Crandall. I don't know his initials.

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11 F. E. TRASK.

12 F. E. TRASK, heretofore sworn and examined, being
13 recalled by defendants, testified as follows:

14 DIRECT EXAMINATION.

15 Mr. McKinley: Q Mr. Trask, you have a couple of maps which
16 have been prepared for the purposes of this case?

17 A Yes, sir.

18 Q Will you take one of them and explain it?

19 A This map has a title as follows: Map of Ontario Colony and
20 and Cucamonga Red Hill District, San Bernardino County,
21 Cal. Showing ranch lines and ownership of lands. Scale 1320
22 feet to one inch. This map contains the exterior boundaries
23 of the old Cucamonga grant and they are represented by a
24 hatched line as shown on the plat, with the station numbers
25 of the old Cucamonga grant written at the proper places, and
26 the word "Rancho Cucamonga" written through that tract.

27 The Ontario Colony lands are shown and blocked out by streets
28 only, and the lands themselves are colored in green. The
29 Cucamonga Red Hill section is colored different, with the

1 different ownerships. The lands of the Cucamonga Land and
2 Irrigation Company in section 4, township 1 south, range
3 7 west, are colored in pink. The lands of the Cucamonga
4 Vineyard Company in sections 3, 4, 9 and 10/ township 1
5 south, range 7 west, are colored in blue, while the lands of
6 the Cucamonga Water Company-- the 90-acre and the 35- acre
7 tract are colored in yellow, situated in sections 3 and 4,
8 1 S., 7 W. The lands owned by the San Antonio Water Com-
9 pany north of 10th Street are colored in green, but I have
10 a border in red; and in each of the tracts the name of the
11 company owning the same is written in in full. The tract of
12 land known as the Rubio tract lying between the Haskell wells
13 and the original 10th Street wells is colored in green with
14 a blue border around it, the object being to show the differ-
15 ent ownerships in the lands but to maintain the same color-
16 ing,-- for the reason that the water rights of that tract are
17 are still in the name of the San Antonio Water Company. The
18 lands of the Ontario Power Company are in the general re-
19 presentation of green in the map and have not been delineat-
20 ed, and I want permission of the Court to pencil in the
21 limits of the Ontario Power Company's lands, which I have
22 failed to do. This map, further, shows the location of the
23 main pipe lines, the one at the north taking the water from
24 the wells known as the 10th street wells, including the Has-
25 kell wells, the same being north of the well and above
26 10th Street, showing a diagonal line passing westerly and
27 southerly from the 10th Street wells. This diagonal line
28 delivers water from the 10th street well westerly into the
29 colony-- pumped water-- at points where this diagonal line

1 intersects the north and south line of the distributing
2 system of the Colony lands. Another pipe line further south
3 is represented here as taking water from the mouth of the
4 Radie tunnel or Cucamonga tunnel and in like manner trans-
5 ports water westerly and southerly across the colony to
6 the intersecting distributing lines of the San Antonio Wat-
7 er Company. The location of the "I" tunnel and Cucamonga
8 tunnel are shown on the map on the 90-acre tract of the
9 Cucamonga Water Company and the "Y" tunnel on the lands
10 of the Cucamonga Irrigation Company on section 4. Like-
11 wise, the Lone Star tunnel no. 1 in the southwest corner of
12 section 34, township 1 north, range 7 west, and the loca-
13 tion of Lone Star tunnel no. 2 with its outlet near the
14 center of section 3, township 1 south, range 7 west as shown.
15 This map shows the streets and avenues of the Ontario Colony
16 and shows the three transcontinental railways through the
17 colony and also the townsites of Upland and Ontario.

18 Q It is a correct map of what it purports to delineate?

19 A It is .

20
21 Mr. McKinley: We offer the map in evidence as Defendants'
22 Exhibit "L"

23
24 Q What is the other map that you have? Explain what that
25 map is.

26 A This map bears the title as follows: Map of Cucamonga
27 Red Hill District, showing wells, pumping plants and tun-
28 nels, San Bernardino County, Cal. Scale 300 feet to one
29 inch. Prepared in 1904. And it is a map of sections 33 and 34,

township 1 north, range 7 west, and sections 3, 4 and 5 or parts of them of township 1 ~~xxxx~~ south, 7 west, and shows in greater detail the location of the pumping plants of the 16th Street wells, the Lone Star tunnels, the "Y" tunnel, the Madie tunnel and the Red Hill section. The map has the topographic contours which are contained on the map presented by plaintiffs and prepared by Mr. Wright, and are copies from that map as far as those contours are concerned. The map likewise contains the location of all the different wells in that area, and at each of these wells the elevation, the number and name or letter of the well, and in most cases the date when the well was bored are written. The same method of coloring has been adopted as was adopted on the preceding map, so that each individual ownership has its own particular color, with the name of the owner written in the particular tract.

Q That is a correct map of what it purports to delineate?

A It is.

Mr. McKinley: We offer that in evidence and ask that be be marked DEFENDANT'S EXHIBIT "E".

Mr. Britt: Just one moment before it is received in evidence. From what source, Mr. Trask, do you get your information about the elevation shown on the contour lines and other elevations?

A The contour lines were copied from Mr. Wright's map of that section, which was used in the former litigation over water rights in the Red Hill section, back in the early part

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1 of the year 1900.

2 Mr. McKinley: That is, this map?

3 A That is a copy.

4 The Court: I don't understand that that is exactly the same
5 map but it is in part the same.

6 I have taken such data from that map as I chose to use
7 in the platting of this, assuming that it was correct.

8 The Court: We were referring to the map on the board which
9 was used in a former trial.

10 Mr. Britt: Then the contours further north were obtained
11 from what source?

12 A I think the contours further north were obtained from
13 some work done by Mr. Charles Saunders away back in 1904,
14 as I recollect. The well elevations in part were obtained
15 by myself personally in 1900 and the balance was filled in
16 by one of my assistants some time in 1904. They are all from
17 the same bench marks and have been checked.

18 Q Where is the original plat from which these contours
19 further north,-- say this is base line; part of that is
20 taken from Mr. Wright's map. But above the San Antonio
21 Water Company's 16th Street wells have you the original plat
22 of those contours?

23 A My recollection is that they were just pencilled on a
24 piece of brown paper and traced on a tracing from that.
25 They were from notes of Mr. Saunders out in the field some
26 time in the summer months of 1904. I had Mr. Saunders at
27 the Red Hill at that time for many months, at the time Mr.
28 Reed was there, and he worked in my office, and this was
29 traced from a pencil drawing which was not preserved.

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1 Mr. Haskell: Do you know whether or not the bench marks
2 that you used in surveying the elevations of the wells
3 was the same bench marks used by Mr. Wright in his contour
4 lines?

5 A I think there is some little difference. I would judge
6 so from some of the well data that we have.

7 Q So that the bench marks showing the elevations of the wells
8 might not correspond exactly with the contour lines?

9 A Yes, sir. Mr. Wright or his men may have taken a differ-
10 ent point at the well for his reference point, but whatever
11 it may be, it would simply be a constant.

12 The Court: Q Could that be ascertained?

13 A If there are any discrepancies in measurements, any mark-
14 ed discrepancies,-- we could probably trace it by comparing
15 my bench mark elevations and Mr. Wright's bench mark ele-
16 vations.

17 Q We could probably avoid confusion--

18 A I haven't noticed any confusion.

19 Mr. Haskell: Is there any way to ascertain whether there is
20 a difference?

21 A I could compare notes with Mr. Wright.

22 Mr. McKinley: You may do that, Mr. Trask. I have offered
23 the map. (Marked Exhibit "E".)

24 ---0---

1 B. C. SHEPHERD.
2 B. C. SHEPHERD, a witness produced by defendants, being
3 first duly sworn, testified as follows:

4 DIRECT EXAMINATION.

5 Mr. McKinley: State your name.

6 A E. C. Shepherd.

7 Q Where do you reside?

8 A Ontario.

9 Q How long have you resided there?

10 A 25 years.

11 Q Have you occupied any position in connection with the
12 San Antonio Water Company?

13 A Secretary.

14 Q During what time?

15 A Oh, for about fifteen years, but not for the last two
16 years and a half.

17 Q Commencing then at what date?

18 A I don't know exactly.

19 Q Probably your minutes would show.

20 A Those minutes do not go back far enough.

21 Q About when?

22 A It would be about 18 years ago.

23 Q When did you first begin to have any familiarity with
24 the section where the waters are in dispute in this case?

25 A About 1896.

26 Q When did the San Antonio Water Company first begin to
27 do anything in the way of securing or taking water from the
28 section in the neighborhood of the "I" tunnel and of the
29 Cusumung Fruit Land Company's land-- or Water Company?

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1 A In 1899, about February, the negotiations began.

2 Q Whom were those negotiations with?

3 A Mr. Stowell.

4 Q And anyone else or any other company?

5 A The Cucamonga Fruit Land Company.

6 Q At that time, Mr. Shepherd, did you visit that locality?

7 A I did.

8 Q And in connection with those negotiations?

9 A Yes, sir.

10 Q What did you observe there with reference to the waters
11 which were being considered by your company at that time of
12 your purchase?

13 A Mr. Stowell had a well there that he had sunk in 1896.
14 There were other wells there belonging to the Cucamonga
15 Water Company. There was also a tunnel there that water was
16 flowing out of.

17 Q Did you have any opportunity to observe what water there
18 was in the well that Stowell had sunk?

19 A Yes, sir.

20 Q What observations did you make?

21 A We just looked at it from the surface of the ground as
22 it was shown to us by Mr. Stowell, and the water running
23 from it.

24 Q Previous to that time had the San Antonio Water Company
25 received any waters from that well or tunnel?

26 A They had.

27 Q When?

28 A In 1896, beginning about the month of August.

29 Q Where did that water come from if you know?

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A The '96 well.

Q What amount of water did you receive at that time?

A 30 inches.

Q How did you receive it? In what way?

A He rented it from Mr. M. W. Stowell.

Q What use was made of it?

A It was turned into the general system of the San Antonio Water Company and used for irrigation and domestic purposes.

Q Do you know whether any water from that well was being used by anyone else during that time?

A I do not know.

Q You used that water during this portion of the summer of 1898, as I understand you?

A Yes, sir.

Q Any after that? I mean under the lease?

A We used that water away into the next year or next spring some time. Probably April or May.

Q Do you know in what way that water was taken from the well?

A I do not remember.

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4	Apr 1st	to Apr 30th	1901
5	May 1st	to May 31st	1901
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59	Nov 1st	to Nov 30th	1905
60	Dec 1st	to Dec 31st	1905

Q You continued to use that, until another agreement was made with Stowell and the Fruit Land Company, did you, that is you continued to use it under a lease?

A We continued to use that water as rented water, up to the time that we purchased the water outright.

Q The company entered into a contract at some time that winter for the purchase of the water?

A They did.

Q Can you state what that date was?

Mr. Britt: That was a written contract.

Mr. McKinley: I haven't the original here: have you any objection to reading from the minutes?

Mr. Stephens: With the right to compare with the original afterwards.

Mr. McKinley: Certainly.

Q You have the minutes of the company which were kept by you?

A I have.

Q Will you take those minutes and read from them what there is in regard to the negotiation the purchase and the contract.

Mr. Britt: Let us see the minutes.

Mr. McKinley: Certainly; I will show them to you when I find the place.

Mr. Britt: Before you begin to read let us see the book which you propose to read from. Let us see this entry which you propose to read. We understand that you are offering here, this agreement, type-written, pasted into the volume produced by the witness, purporting to be dated April 8, 1899, between the Cucamonga Fruit Land Company, and the San Antonio

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Water Company. That is the agreement you are offering in evidence?

Mr. McKinley: Yes, sir.

Mr. Britt: We object to the document as hearsay, incompetent and irrelevant. It does not seem, so far as we can make out, to affect the plaintiffs in the case, or any of them, or to affect any one with whom the plaintiffs are in privity, or any predecessor in interest of the plaintiff, so far as we can discover here. It is an agreement, apparently for the sale of water from the Cucamonga Fruit Land Company to the San Antonio Water Company; it may be that it has some pertinence to be hereafter shown, but at the present time so far as we can discover, it is not pertinent and relevant, and is incompetent.

Mr. McKinley: The objection does not go to the signatures I suppose.

Mr. Britt: No, that was not executed, but I see that it was executed by the parties.

Mr. McKinley: We also desire to offer uneminate entry showing that the San Antonio Water Company - -

The Court: In your objection you have raised the ground that it was not competent.

Mr. Britt: I did not mean to include in that, that this copy does not seem to be signed by anybody.

Mr. McKinley: I will have the originals here.

Mr. Britt: That specific objection is not made.

The Court: The objection is overruled.

Mr. Britt: We except to the ruling of the court.

Mr. Britt: You are offering this as a part of your chain

1 of your title, your claim to the water flowing on the west
2 side of the red hill?

3 Mr. Mc.Kinley: Yes, sir.

4 The minutes show the authorization for the execution,
5 and then the agreement itself. I suppose reading will be
6 waived.

7 The Court: Will the book remain here, or do you desire to
8 have it to go into the record?

9 Mr. Stephens: If I mistake not it is set out in full in
10 the answer.

11 Mr. Mc.Kinley: Yes, it is set out in the answer; I wasn't
12 aware of that being so; I didn't know that. I don't know that
13 it is even necessary to offer it.

14 It has been offered and admitted, and its execution
15 admitted, and the reading waived, and you have agreed that the
16 copy is in the answer, subject to correction?

17 Mr. Stephens: Correct.

18 Mr. Mc.Kinley: Then we offer the deed from the Cacamonga
19 Fruit Land Company, to the San Antonio Water Company, which
20 is also set up in the answer; and the agreement between the
21 Cacamonga Fruit Land Company, and the San Antonio Water
22 Company, and Stowell, which is also set up in the answer.

23 Mr. Britt: What is the date of the deed?

24 Mr. Mc.Kinley. April 8th, 1899.

25 Mr. Britt: We object to the reception in evidence of the
26 deed, as being hearsay and irrelevant.

27 The Court: What is the point of your objection that it is
28 hearsay?

29 Mr. Britt: Well it is between parties other than the

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1 defendants in the case.

2 The Court: The objection is overruled.

3 Mr. Britt: Exception.

4 Mr. Mc.Kinley, Q After the execution of these papers, of
5 these deeds and agreements which I have just introduced in
6 evidence, what did the San Antonio Water Company do with
7 reference to taking the water, described in those deeds and
8 agreements?

9 A Mr. Stowell or the Cucamonga Fruit Land Company, immediate
10 ly commenced the building of the pipe line; and as soon as
11 that pipe line was finished the water - what water there was
12 there was delivered to the San Antonio Water Company. Mr.
13 Stowell had charge of it, of the building of the pipe line; I
14 think it was the Cucamonga Fruit Land Company that built the
15 pipe line.

16 Mr. Britt, Q Was it Stowell that built the pipe line?

17 A Mr. Stowell.

18 Q Have you anything showing the date when that was completed
19 records from which you can refresh your recollection, or
20 are you able to recollect it?

21 A I couldn't give the dates but I know the work was done
22 very quickly.

23 Q What do you mean by very quickly? About how long was it
24 before you received the water through that pipe line?

25 A I can't recall the exact dates, but it was probably two
26 or three months.

27 Q And did you continue to receive water through that pipe
28 line then, from that time on?

29 A Yes, sir.

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1908
1 Q About what quantity of water did you receive through
2 that pipe line from the completion thereof?

3 A I think there was about 90 inches delivered as soon as
4 the pipe line was finished

5 Q And how long did the delivery of that amount continue?

6 A I couldn't give the times; Mr. Stowell was developing
7 water there, and it was gradually increased until they
8 got the total amount.

9 Q About when did you first receive the total amount?

10 A About - -

11 Mr. Stephens: Do you mean the 100 inches? 100 inches
12 wasn't it?

13 Mr. Mc.Kinley: 150 inches.

14 Mr. Stephens: By both agreements.

15 Mr. Mc.Kinley: Yes. The total amount was 150 inches
16 by the two agreements, I understand: Mr. Shepherd, is that
17 the amount you are referring to that you received?

18 A 150 inches, that is correct.

19 Q And about when did you get that?

20 A I couldn't give the date offhand without hunting up the
21 records.

22 Q Have you anything in your records that will show that?
23 These records were made by you as I understand?

24 A They were.

25 Mr. Britt: If Mr. Shepherd, the witness, is refreshing his
26 memory by reference to documents here, papers, I would like
27 to see the instruments.

28 Mr. Mc.Kinley: Certainly; we are perfectly willing.

29 Mr. Britt: Before he reads from them.

OFFICIAL REPORTER
SUPERIOR COURT

1 Anything you find that you are going to refresh your
2 memory by, counsel would like to see it first, so just pass
3 it over. We are asking for a date now, Mr. Shepherd. When
4 was it you first received the 130 inches, refreshing your
5 recollection - -

6 A During the development of the water by Mr. Stowell to in-
7 crease the amount, I remember distinctly that there was a
8 variation in the flow; that at some times we got more than
9 others; I remember distinctly that sometime during that summer
10 we received a total of 130 inches at some times; there is a
11 report on the records here which shows, from the engineers,
12 which shows a lesser amount. I can't say exactly what time,
13 but I do remember that we received 130 inches at sometime
14 during that summer.

15 Q Refreshing your recollection from that, what was the
16 amount that you were receiving, and what was the date, re-
17 freshing your recollection?

18 A This date was August 25th.

19 Q What year? 1899?

20 A 1899. And the measurement shows 110.60 inches

21 Mr. McKinley. You say you are willing to have that report
22 go in?

23 Mr. Britt: Why yes: I think there will be no objection.

24 Mr. McKinley: Then we will offer it in evidence.

25 Mr. Britt: Subject to the same objection that was made to
26 the other deeds, - that they are transactions between third
27 parties which do not affect the defendants.

28 The Court: The objection is overruled.

29 Mr. McKinley: The report offered in evidence, is read on

1. The first part of the book is devoted to a general introduction to the subject of the history of the English language. It discusses the various factors which have influenced the development of the language, such as contact with other languages, internal changes, and the influence of social and cultural factors.

2. The second part of the book is devoted to a detailed study of the history of the English language from its earliest beginnings to the present day. It traces the development of the language from its roots in Old English, through Middle English and Modern English, to the present day.

3. The third part of the book is devoted to a study of the various dialects of the English language, and to the factors which have influenced their development. It discusses the differences between the various dialects, and the reasons for these differences.

4. The fourth part of the book is devoted to a study of the various forms of the English language, such as poetry, prose, and drama. It discusses the differences between these various forms, and the reasons for these differences.

5. The fifth part of the book is devoted to a study of the various uses of the English language, such as in science, literature, and everyday life. It discusses the differences between these various uses, and the reasons for these differences.

6. The sixth part of the book is devoted to a study of the various influences on the English language, such as other languages, social and cultural factors, and the influence of the media. It discusses the differences between these various influences, and the reasons for these differences.

7. The seventh part of the book is devoted to a study of the various changes in the English language, such as changes in pronunciation, grammar, and vocabulary. It discusses the differences between these various changes, and the reasons for these differences.

8. The eighth part of the book is devoted to a study of the various aspects of the English language, such as its history, its development, its dialects, its forms, its uses, its influences, and its changes. It discusses the differences between these various aspects, and the reasons for these differences.

9. The ninth part of the book is devoted to a study of the various aspects of the English language, such as its history, its development, its dialects, its forms, its uses, its influences, and its changes. It discusses the differences between these various aspects, and the reasons for these differences.

10. The tenth part of the book is devoted to a study of the various aspects of the English language, such as its history, its development, its dialects, its forms, its uses, its influences, and its changes. It discusses the differences between these various aspects, and the reasons for these differences.

the minutes is as follows: 25, 1899. E.C. Shepherd, Secretary S. A. Water Company: Sir: I have this day measured the water in the long tunnel No. 2 of the Cucamonga Fruit Land Company, at a point some 50 feet below the upper shaft, weir 3.5 inches ~~width~~ wide, depth of .35 feet on crest; time, 2:30 P.M. Amount of water, 92.40 inches, without taking into account the accelerated velocity or a stage around the sides, both of which items would increase the above quantity. All of this water raises and flows from the body of land called for in contract, between the Cucamonga Fruit Land Company and San Antonio Water Company, made in April 1899.

Also at 3:40 P.M. Of this date, there was flowing over weir, at cement box at east line of the Ontario lands, weir 40 inches, depth over crest .546; quantity equals 110.60 miners' inches. Respectfully, F.T. Wright. Member American S. C. E. " - standing for Society of Civil Engineers, I am informed.

Mr. Britt: I ask leave to have an exception noted to the ruling of the Court, admitting this in evidence; the objection was on the same ground, - that it was hearsay as to plaintiffs in the case.

The Court: Ofcourse if these matters are not connected, a motion to strike out will be entertained.

Mr. Britt: I understand.

Mr. McKinley, Q Have you any other memorandum from which you can determine at any particular time an amount that was being received under this contract?

A I can't remember of any at the present time.

Q Now, these were the first waters which the San Antonio

Water Company obtained from any of the wells or water sources in controversy here, were they?

A The pumped water from the 10th street well in 1896.

Q Now, with regard to that well, where was that well situated?

A North of the Base Line.

Q Can you designate that on one of these maps?

Mr. Waters: I think we are switching here from mere memoranda, and these books. If this gentleman knows about that water, as a matter of independent fact of his own knowledge, that is all right.

Mr. McKinley: That is what I have asked for. I left the books and went to the question of the other waters here

Q You were secretary of the company at the time?

A Yes, sir.

Q And knew about it yourself?

A I did.

Q Now, the well to which you have referred as having been pumped in 1896, is the one designated on this plat Exhibit E, as well No. 3?

A It is.

Q Now, will you state all that you know about the history of those operations of your own knowledge?

A That well at that time was owned by Frankish or Stamm, or the Ontario Land and Improvement Company; it was called the Frankish and Stamm well, and we got permission from them to pump that well.

Q And when was it you pumped it?

A It was in the Summer of 1896.

Q About how much water did you get at that time?

A About 30 inches.

Q And how long did you continue to pump that well?

A I couldn't give the exact time, but we pumped it several months anyway, during the summer season.

Q Of 1896?

A 1896.

Q Subsequently did you take water from there?

A I don't think so.

Q Do you mean by that that you didn't take water from it during the ownership of Frankish or Stamm, or that you didn't take it ever?

A Previous to that date?

Q No, subsequent to it?

A Oh, subsequent to it; we have taken lots of water from it since that time.

Q Well, that is what I want to know about. I want to get the whole history of your getting water from it. You first leased water from it, leased the use of the well, and pumped that season: Subsequent to that time did the San Antonio Water Company ever take water from that well?

A They did.

Q When?

A In 1898.

Q About how much did they take in '98?

A About the same amount.

Q What about subsequent to that?

A That water - the land came into the possession of the San Antonio Water Company, and in 1899 or 1900, - I can't say

1 which it is without hunting up some records, the San Antonio
2 Water Company deepened the well, and pumped something like
3 100 inches of water out of it.

4 Q And how long did they continue to pump that amount,
5 or an amount substantially that, How long did they pump and
6 take water from there?

7 A Down to the present time.

8 Q What other waters has the San Antonio Water Company ever
9 taken from that section, in addition to the ones already
10 mentioned?

11 A They sunk a series of wells both east and west of that
12 particular well, and have been taking water from I think all
13 of those wells.

14 Q And were there any other sources from which they took water?

15 A Well there was the Haskell well, which was still further
16 east, two wells, - two Haskell wells.

17 Q When was the connection of the San Antonio Water Company
18 first begun with the Haskell wells?

19 A In 1899.

20 Q Will you just state what was the history of the connec-
21 tion of the San Antonio Water Company with those wells?

22 A They bought twenty acres from Haskell. There was a shaft
23 on the property at that time, about 60 or 70 feet deep, and
24 they pumped about 15 inches of water, and during the sinking
25 of that shaft down to 90 or 100 feet, the flow increased to
26 about 20 inches. In the Fall of 1899 they drilled from the
27 bottom of that shaft down several hundred feet, installed a
28 pump, and either that Fall, 1899, or very early in 1900, they
29 pumped about 150 inches of water from that particular well.

1 There was another well a little east of the Haskell well,
2 perhaps a couple of hundred feet, that was put down in 1900,
3 and after it was completed they pumped something like 70
4 to 100 inches out of that well also.

5 Q That was what was known as the second Haskell well?

6 A Yes, sir; the second Haskell well; it was not really on
7 the Haskell property; it was on a property that we bought
8 afterwards from a man named Kelly.

9 Q There was also the Rubio well: Or did that pass directly
10 to the San Antonio Water Company? What was the history of that

11 A That Rubio property came into the possession of the San
12 Antonio Water Company sometime about in 1899 or 1900.

13 I can't remember the date.

14 Q What was the history of that?

15 A I can't give you the history of that well; I can't call
16 to mind just what did happen; I know that we pumped some water
17 out of that well; but the quantity or the exact time I can't
18 state.

19 Q What amount of money was expended by the San Antonio
20 Water Company, in the purchase from the Clemons Fruit Land
21 Company, and A. W. Stowell?

22 A It was \$150,000.

23 Mr. Stephens: We make the same objection to that as we
24 did the other.

25 The Court: Overruled.

26 Mr. Stephens: Exception.

27 Q What was done in the way of constructing a pipe line there
28 in the way of public roads or otherwise?

29 A At what locality?

1 Q The pipe line which you have referred to as being con-
2 structed by the Cucamonga Fruit Land Company or Stowell
3 for the delivery of that water?

4 A It is a short distance north of the diagonal road,
5 running from Upland to Cucamonga.

6 Q State whether it was in sight of it or not, whether it
7 was in sight of that road, the work that was done there?

8 A Oh yes, it was in plain sight; it was only a few hundred
9 feet, perhaps two or three hundred feet.

10 Q State whether the sale of this water to Ontario, or rather
11 to the San Antonio Water Company, was a matter that attracted
12 public attention at that time?

13 Mr. Britt: Objected to as calling for the conclusion of the
14 witness and immaterial.

15 Mr. McKinley: I withdraw the question.

16 Q State whether there was any notoriety given to the sale
17 of that water, by reason of any occurrences at that time and
18 subsequently.

19 Mr. Britt: The same objection; calling for the opinion and
20 conclusion of the witness; and also that it is irrelevant,
21 incompetent and hearsay.

22 The Court: Objection sustained.

23 Q What if anything occurred, with reference to the sale of
24 this water by the Cucamonga Fruit Land Company being
25 publicly attacked?

26 Mr. Britt: To which we make the same objection.

27 The Court: The objection is sustained.

28 Mr. McKinley: I will consider further what I will do
29 tomorrow in trying to show these matters.

Q With reference to the wells that you have referred to on 16th Street, what amount of water was expended by the San Antonio Water Company in those developments.

Mr. Britt: That is a matter that the witness ought to have exact information about; I should think his books of account ought to show.

Mr. C. Kinley, Q Have you books that would show that?

A We can show it from the books.

Q Well, I will leave that; you haven't those books here?

A No, sir; I have not.

Q Well, we will send for those, and for that reason also I will pass the question as to the other wells.

The wells were put down with drilling rigs, and a plant, that showed on the surface of the ground were they?

A Yes, sir.

Q How large a plant was there, and what was there? Just generally; I don't care for it specifically?

A Steam boilers and engines, and houses to cover them up.

Q Are they in such a place as to be thoroughly exposed to the public gaze?

A They can be all seen from the Base Line Street.

Q During the period that you were connected with the San Antonio Water Company, in what business was it engaged? Describe fully its operations, as far as the carrying on of its business is concerned? In other words, how the water was distributed, and what waters were distributed, whether for irrigation only, and whether for domestic use and irrigation and so on?

A The San Antonio Water Company is a mutual company, gets its revenue from assessments; the water is delivered into

1. The first thing I noticed when I stepped out of the car was the cold air. It was a sharp contrast to the warm blanket I had been sitting under. I took a deep breath and felt a sense of relief. The world was finally awake.

2. I walked towards the entrance of the building, my feet crunching on the frost-covered ground. The snow was thick and soft, like a giant's foot. I had never seen so much snow before. It was beautiful and terrifying at the same time.

3. As I approached the door, I noticed a small sign on the wall. It was written in a language I didn't understand. I tried to read it, but the letters were too blurry. I shrugged and went inside.

4. The interior of the building was warm and cozy. The air smelled like cinnamon and vanilla. I looked around and saw people sitting at tables, talking and laughing. It was a strange sight for me. I had never been to a place like this before.

5. I walked over to a counter and saw a man behind the counter. He was wearing a white apron and a friendly smile. He greeted me and asked if I wanted something to drink. I nodded and he handed me a glass of hot chocolate.

6. I took a sip and the warmth spread through my body. It was exactly what I needed. I looked up at the man and he smiled back at me. He seemed to know me, but I didn't know him. I was confused.

7. I looked around the room and saw more people. They were all looking at me with curiosity. I felt like I was the center of attention. I didn't know what to do. I was lost.

8. I walked back to the counter and the man was still there. He was looking at me and I was looking at him. We were both silent. The air was thick with tension. I didn't know what was going on.

9. I took a deep breath and tried to relax. I was in a strange place, but I was safe. I was alone, but I was not. I was part of something bigger than I could imagine.

10. I looked up at the man and he was still there. He was looking at me and I was looking at him. We were both silent. The air was thick with tension. I didn't know what was going on.

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1 its revenue from assessments; the water is distributed into
2 the pipes and distributed to the stockholders, in proportion
3 to their holdings of stock.

4 Q And water for what purposes?

5 A For irrigation and domestic purposes.

6 Q Was it so during all of this period that you were secre-
7 tary, that it was carrying on the business in that way?

8 A Yes, sir.

9 Q How was the water disposed of for domestic purposes? Was
10 it sold to the stockholders, or was that covered by their
11 holding and ownership of stock?

12 A That was covered by their ownership of stock; they took
13 their domestic water that they needed.

14 Q How did they get it from the company? How was it received?

15 A They usually ran small pipes from the turn-outs or over-
16 flow boxes, from the corner of the lot down to their house.

17 Q Is that still the manner in which it is done?

18 A The system is the same. That is for the farmers outside
19 of the incorporated cities.

20 Q Well, within the incorporated cities of Upland and Ontario
21 is the San Antonio Water Company supplying water for domestic
22 use either directly or indirectly?

23 A The City of Ontario, that is the old City, owns shares of
24 stock in the San Antonio Water Company, and the water that is
25 appurtenant to that stock is delivered to the city officials,
26 and they make the distribution themselves.

27 Q To the people of Ontario?

28 A To the people of Ontario, yes.

29 Q How large a number of people are dependent upon that supply?

the revenue from assessments, the same in substance with
the plan and estimated as the same. There is no
in the building of them.

Q. But what are they proposed?

A. For the purpose of the same.

Q. What is the object of all this? What are you going to do?

A. Yes, sir.

Q. How can you have a plan of the same? What are you going to do?

A. It is to be the same, it is to be the same.

Q. What is the object of all this?

A. It is to be the same, it is to be the same.

Q. How can you have a plan of the same? What are you going to do?

A. It is to be the same, it is to be the same.

Q. How can you have a plan of the same? What are you going to do?

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A. It is to be the same, it is to be the same.

Q. How can you have a plan of the same? What are you going to do?

A. It is to be the same, it is to be the same.

Q. How can you have a plan of the same? What are you going to do?

1 A Oh, two or three thousand.

2 Q Since the time when you first became secretary of the
3 San Antonio Water Company has the demand for water for domes-
4 tic and irrigation uses by the persons dependent,- holding
5 stock in and dependent on the San Antonio Water Company,
6 increased or otherwise?

7 A It has increased very much.

8 Q When you said two or three thousand persons you meant
9 those who receive their water from the City of Ontario, after
10 it has been delivered to it, did you?

11 A Yes, sir.

12 Q And then are there other persons dependent upon the San
13 Antonio Water Company who hold stock, or who get it from
14 stockholders and dependent upon them?

15 A There are others; the ranch owners are dependent upon the
16 San Antonio Water Company, but since the Ontario Power Com-
17 pany went into business, the Ontario Power Company is furnish-
18 ing water to the ranchers outside of the cities.

19 Q How is it as to the City of Upland? Upon what does it de-
20 pend for its domestic supply?

21 A There is an incorporated company there that owns stock of
22 the San Antonio Water Company, and the distribution of the
23 domestic water is made by that company to the citizens of
24 ~~Upland~~ Upland; that is to those who are right in the business
25 and residence part of the city.

26 Q About what is the population of Upland?

27 A Oh, it must be over a thousand.

28 Q What was the condition of the water supply of the San
29 Antonio Water Company, as to sufficiency for its stockholders,

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for irrigation and domestic purposes in 1899, when it made this agreement with the Cucamonga Fruit Land Company.

Mr. Haskell: We object to that as calling for the conclusion of the witness.

Q I will ask the witness to state the facts with reference to the water-supply, and the necessities of the Water Company at that time. Do you understand the question? It is to state fully the conditions that existed as to the amount of water you had, and the necessities for irrigation for more water, if it was necessary for irrigation and domestic purposes, in 1899, at the time this purchase was made?

A Well, the stock of the San Antonio Water Company originally is supposed to carry at least one inch of water to every ten shares.

Q What was the number of shares outstanding at that time?

A About 6064; and about that time the company was delivering to its stockholders a head of water consisting of 20 inches, or about 20 inches, for only 12 hours, and with the period between the irrigations running from 40 to 50 days. The full amount of water that the stock should carry on that same basis would be a head of water consisting of 50 inches every thirty days, for 24 hours. That would make the amount of water that the stockholder actually received about one-fifth or one-fourth of what he should have, on the basis of one inch to ten shares. The stockholders were in very serious straits for water. We were scouring the country in all directions to purchase and rent water.

Q When you speak of the amount that was being furnished, were you furnishing to the stockholders of the company all

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1 the water that the San Antonio Water Company owned at that
2 time, and was able to obtain without additional purchases?

3 A Indeed we were; everything.

4 Q Will you describe upon the map here what territory the
5 stock of the San Antonio Water Company covered, referring to
6 Exhibit F?

7 A It covered that whole territory from the mouth of San
8 Antonio Canyon, down to the Chino Ranch line.

9 Q That is all of the territory marked in green?

10 A Green or blue.

11 Q All of that territory?

12 A There may be 50 or 60 acres in section 35 that it does
13 not cover.

14 Q Do you know about what the acreage was that it covered?

15 A About five thousand acres.

16 Q And for what purposes was that land being used?

17 A For growing fruits, oranges and lemons, and a little
18 deciduous fruit, some grapes.

19 -o-

20 Here the Court takes a recess until tomorrow, Mar. 4,
21 1909, at ten o'clock a.m.

22 -o-

IN THE
Superior Court

OF THE
County of San Bernardino

State of California

Cucamonga Vineyard Company, et al.,

Plaintiff S

vs.

San Antonio Water Company, et al.,

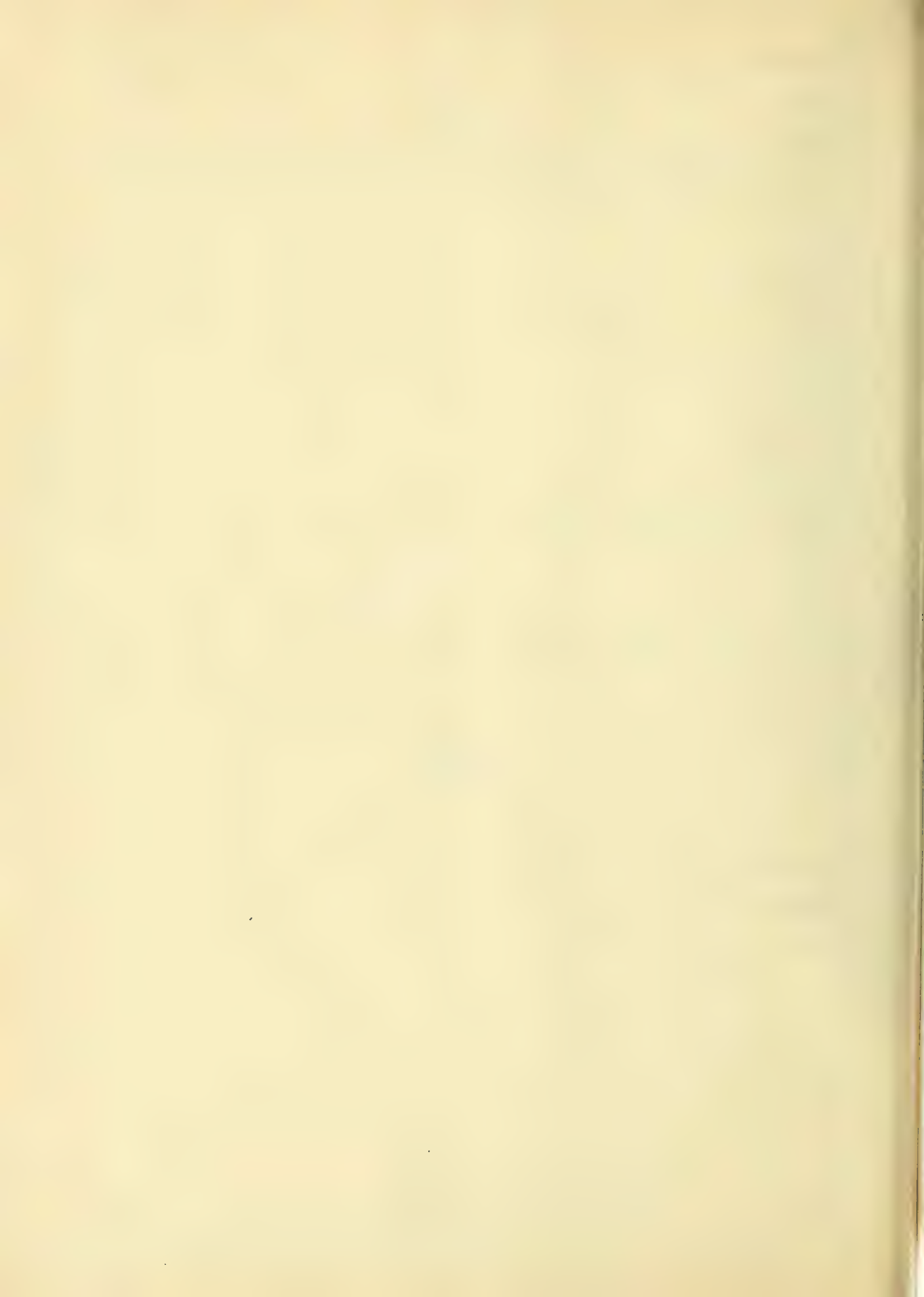
Defendant S

Vol. 23.

Thursday, March 4, 1909

INDEX.

I. BENJAMIN, Official Reporter



Thursday, March 4th, 1909. Twenty-third Day.

Mr. McKinley: We desire to offer in evidence the judgment roll in the case of J. D. McPherson et al, against Cucamonga Fruit and Land Company, et al, No. 7729.

Mr. Jolliffe: We offer in evidence a deed dated July 30, 1892, recorded in Book 158 of Deeds, at page 184, from S. G. Haskell to J. H. Sourwine.

A deed dated July 15, 1892, recorded in Book 158, at page 171, from J. P. Haskell to S. G. Haskell, conveying certain water rights appurtenant to lands on which the well of the Upland Water Company is situated.

A deed dated May 31, 1887, recorded in Book 136 of Deeds, page 177, from Charles Charnot to S. G. Haskell, conveying Lot 7, Block 16, of the Cucamonga Homestead Association.

A deed dated May 3rd, 1886, recorded in Book 58 of Deeds page 321, from the Cucamonga Homestead Association to Charles Charnot, conveying Lot 7, Block 16, Cucamonga Homestead Association.

A deed dated July 3rd, 1874, recorded in Book P of Deeds, page 386, from I. W. and I. M. Hellman to the Cucamonga Homestead Association, conveying all lands or water rights in controversy, of Upland Water Company, J. J. Atwood and the San Antonio Water Company.

The first part of the paper deals with the history of the disease, and the second part with the pathology and treatment.

The author then discusses the various forms of the disease, and the different methods of treatment which have been suggested.

It is then shown that the disease is not a single entity, but a group of diseases, and that the treatment must be adapted to the particular case.

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It is then shown that the disease is not a single entity, but a group of diseases, and that the treatment must be adapted to the particular case.

The author then discusses the various forms of the disease, and the different methods of treatment which have been suggested.

1 A map of the Cucamonga Homestead Association, appearing
2 of Record in Book 6 of Maps, at page 46.

3
4 Mr. Britt: We fail to see the pertinence or relevancy
5 of the judgment roll in the McPherson case. None of the
6 plaintiffs here are parties to that action of McPherson
7 against the Cucamonga Fruit and Land Company.

8 The Court: You say none of the parties were parties to
9 that action?

10 Mr. Britt: None of the plaintiffs were parties to that
11 action.

12 The Court: Wasn't the Cucamonga Land and Irrigation
13 Company a party to the former action?

14 Mr. Britt: It is barely possible that some of these Old
15 Settlers were.

16 Mr. Haskell: None of the parties whom I represent were
17 parties.

18 Mr. McKinley: I think that none of the plaintiffs were
19 parties.

20 Mr. Britt: The Old Settlers Water Company was certainly
21 not a party.

22 The Court: It would seem as though if none of the ad-
23 verse parties in this suit were parties to the other suit,
24 and there is no privity between them, the objection would
25 be good.

26 Mr. McKinley: If for no other purpose, it is admissible
27 as establishing the title between the Cucamonga Company
28 and the Cucamonga Fruit and Land Company, and this defend-
29 ant and this defendant, as a muniment of our title and

1 as part of our chain of title. I am simply insisting
2 that it is competent for that purpose, and, if it is com-
3 petent for any purpose, it is admissible.

4 Mr. Britt: I will make these objections: That as re-
5 gards the Cucamonga Vineyard Company and the Cucamonga
6 Land and Irrigation Company, plaintiffs here, the judg-
7 ment roll, and the judgment itself, now offered in evidence,
8 are irrelevant, immaterial and hearsay. They are not com-
9 petent to affect any interest of either of the plaintiffs
10 that I have mentioned, -- those represented by Mr. Steph-
11 ens and myself -- for the reason, among others, that
12 neither of these plaintiffs was a party to that action,
13 and it does not appear that either of those two plaintiffs
14 named, or those with whom they are in privity, were in
15 any way bound or affected by the judgment. I am not ad-
16 vised whether or not the intervenors, or any of them,
17 were parties to that suit or affected by it, and I am not
18 advised whether Mr. Waters deems that the judgment roll
19 is competent to affect any interests of the Old Settlers
20 Water Company. I make the objections merely for the two
21 plaintiffs appearing here, particularly by Mr. Stephens
22 and myself.

23 Mr. Haskell: We make the same objections, for the same
24 reasons, on the part of the intervenors. None of the
25 intervenors were parties to that action.

26 Mr. Waters: The plaintiff, Old Settlers Water Company,
27 objects to the judgment roll offered, upon the grounds of
28 objection stated by Mr. Britt as to the other plaintiffs,
29 and we especially object upon the ground that this plaintiff

1 was neither party or privy to the action, the judgment
2 roll of which is offered, and we object to it generally
3 on the ground that it is irrelevant, immaterial and in-
4 competent.

5 The Court: Mr. McKinley, you made some suggestion that
6 it was offered as a muniment of title. I am not strictly
7 advised at present what the nature of the judgment was.

8 Mr. McKinley: It was determining the right of the Cucamonga
9 Water Company and the Cucamonga Fruit and Land Com-
10 pany and H. W. Stowell and the San Antonio Water Company,
11 and all of the parties here. I think that probably Mr.
12 Kincaid was a predecessor in interest of the Old Settlers
13 Company, was he not, Mr. Waters?

14 A As to some things he may be.

15 Mr. McKinley: At any rate, the judgment determines the
16 rights between these parties as to these waters, and I
17 take it then, it gives to us whatever right they may other-
18 wise have had -- The Cucamonga Fruit Land Company and the
19 Cucamonga Water Company, in the particular waters involved
20 in this action, which are the waters of the wells, or the
21 waters described in the contract introduced between the
22 Cucamonga Fruit Land Company and Stowell and the San Antonio
23 Company. The claim was, that the Cucamonga Company had
24 an interest despite those contracts, and this judgment
25 determines that they did not.

26 Mr. Britt: There is no cross-litigation here between the
27 Cucamonga Water Company and the San Antonio Water Company.

28 Mr. McKinley: We would be entitled to introduce a deed
29 from the Cucamonga Water Company to the San Antonio Water

1 Company, of a part of the waters involved in this litigation,
2 tion, and when we have a decree adjudging that they are
3 not entitled to it, it has the same effect as a deed, and
4 ~~is~~ therefore a muniment of title.

5 Mr. Britt: I do not see how it could, any more than a
6 deed from the Cucamonga Water Company would be evidence
7 without connecting it in some way ~~xxx~~ with the plaintiffs
8 in the case.

9 The Court: I do not ~~xxx~~ that necessarily follows. This
10 is in the nature of an action to quiet title, and in an
11 action of this character the Court can determine all the
12 rights of the defendants that are adverse. In other words,
13 the true test would be whether or not the Cucamonga Water
14 Company was a party, and the San Antonio Water Company
15 offers this judgment roll as against it. Anything that
16 determines the rights between those two companies, is ad-
17 missible, and that is an end of the controversy here pre-
18 sented, but it may not have any effect to bind the plaint-
19 iffs.

20 Mr. Britt: The San Antonio Water Company is not seeking
21 to quiet any title against the Cucamonga Water Company.
22 There was a cross-complaint filed, but it was dismissed.

23 Mr. McKinley: I thought a number of these defendants
24 were kept in the action because you did have an action to
25 quiet the title.

26 Mr. Britt: The ground suggested here why the judgment
27 roll should be admitted is, that it determines something
28 between the Cucamonga Water Company and the San Antonio
29 Water Company, and they are not here contending.

1 Mr. McKinley: It would not make any difference even if
2 the Cucamonga Water Company was not a party to this action.
3 In order to set up our affirmative defense, it is neces-
4 sary to show whatever title we have, whether it be as the
5 result of judgments, or of deeds, or of conveyances, or
6 of agreements, we are entitled to introduce it here for
7 the purpose of showing what our title is.

8 The Court: That would not give you any title as against
9 parties who were not parties to the other suit.

10 Mr. McKinley: If we show the title in the other company,
11 and we have to trace our title --

12 The Court: The question in that other suit, was not one
13 of title primarily, as much as priority was.

14 Mr. McKinley: It was a question whether we had a right
15 to take those waters as against the Cucamonga Water Com-
16 pany.

17 The Court: Well, that is a question of priority. The
18 whole theory in that case was, on the one hand, that it
19 was an underground stream.

20 Mr. McKinley: The theory of the case was, that the Cuca-
21 monga Fruit Land Company and Stowell had conveyed waters
22 which belonged to the Cucamonga Company, and that they
23 were entitled to them, and that there was no right to
24 take the water away from the Cucamonga Water Company.

25 The Court: But that contention was predicated on the
26 theory that they were conveying away waters of the stream
27 that belonged to other parties by prior appropriation.

28 Mr. McKinley: Not by prior appropriation, but by grants.

29 The Court: I guess that is true. It is all so hazy in

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The Court: I have read the report of the committee on the subject of the proposed amendment to the constitution of the State, and I am glad to see that it has been so carefully considered. The committee has shown great wisdom and foresight in its recommendations, and I am confident that the people of the State will be well satisfied with the results of their deliberations. I have no objection to the adoption of the proposed amendment, and I am sure that the people will be well satisfied with the results of their deliberations.

1 my mind that I have really forgotten.

2 Mr. McKinley: The theory of plaintiffs in that case was
3 that there was an underground stream, and that these waters
4 were a part of the underground stream. We seek to show
5 that as against the Cucamonga Water Company we have a judg-
6 ment.

7 The Court: I confess that I am very much at sea, and I
8 think the matter had better be held in abeyance. It
9 may be that counsel may desire to investigate it farther.
10 I will confess that I am very hazy in my recollection of
11 it.

12 Mr. McKinley: Very well. We are willing. I understand
13 that we will be heard farther on the matter.

14 The Court: Yes. I will give you an opportunity later.

15 Mr. McKinley: We will withdraw this offer, and bring it
16 up again.

17 -0-

1 D. C. SHEPHERD.

2 (Direct examination resumed)

3 Mr. McKinley: Q At the time we adjourned we were dis-
4 cussing the purposes for which the land, or for which the
5 stock of the San Antonio Water Company was being used.
6 With regard to the land planted in fruits, oranges and
7 lemons, has the amount of planting been increased since
8 1898?

9 A There has been some increase.

10 Q How is it as to population and improvements in that
11 territory?

12 A There is a large addition to the population, and a
13 great many improvements.

14 Q Has the necessity for water been increasing or de-
15 creasing, as to the amount necessary during that period?

16 Mr. Waters: The plaintiff, the Old Settlers Water Com-
17 pany, objects to this evidence upon the ground that the
18 increase of the population can neither increase an appro-
19 priation, nor prescriptive use, or any other right to
20 water, and that it is irrelevant, immaterial and incomp-
21 tent.

22 Mr. Britt: We join in the objection.

23 The Court: What is the purpose?

24 Mr. McKinley: The purpose is to show the necessity for
25 the beneficial use made of the water, and the purpose for
26 which it has been used, following out the line of cases
27 holding that it is taken into consideration by the court,
28 especially in an equitable proceeding where an injunction
29 is being sought, and that the matter is to be considered

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1 by the court whether the remedy should be by injunction
2 or by damages, for the purpose of showing the beneficial
3 use of the waters, just as plaintiff undertook by its
4 evidence to show the necessities of their land.

5 The Court: Is it in support of estoppel?

6 Mr. McKinley: In support of estoppel.

7 The Court: I am somewhat in the dark as to these plead-
8 ings.

9 Mr. McKinley: These matters are very fully pleaded.

10 Mr. Britt: I think it ought to be objected farther, to
11 this question, that it is calling for the opinion and con-
12 clusion of the witness.

13 The Court: The objection is sustained on that ground.
14 Defendant excepts.

15 Q What change has there been in the conditions there,
16 with reference to irrigation, Mr. Shepherd, since 1898?

17 A There has been a large increase in the necessities.
18 Perhaps I do not quite catch what your question implies.

19 Q Well, in what way? Counsel objects to our getting a
20 conclusion from you as to necessities, but in what way has
21 there been an increased demand. State the fact. I don't
22 want your conclusion.

23 A The facts are, that there has been an increase of
24 acreage of fruits that needed water -- fruit trees that
25 needed water -- the trees that were already there constant-
26 ly growing, and needing an additional amount of water
27 with the increase in the age of the trees. There being
28 an increase in the population, it needs more water to sup-
29 ply the citizens for domestic purposes.

[illegible]

1 Q During the period that you have resided in Ontario,
2 you have been familiar with the raising of citrus fruits,
3 and the use of water for citrus fruits?

4 A I have.

5 Q State whether in your opinion the necessity for more
6 water increases with the age of citrus trees?

7 A The increased age of citrus trees increases the need
8 for water very largely.

9 Q As these additional waters, concerning which you have
10 testified, were procured, what has been the condition
11 with reference to the amount of water furnished for irri-
12 gation and domestic purposes, as to its sufficiency?

13 I am not calling for your opinion, but to state as to the
14 amount delivered, and the facts with reference to the a-
15 mount that has been delivered from time to time.

16 Mr. Britt: Just a moment. So far as the increase of
17 water supply by the company is concerned, we suppose that
18 that has occurred. We charge the defendant~~s~~ here with
19 having taken water to which it is not entitled. But the
20 extent of the increased supply by the company is suscepti-
21 ble of accurate ascertainment. The company has made a
22 record of the water delivered, and we object to the ques-
23 tion to the extent that it seeks to obtain an expression
24 of opinion here from the witness on the quantity of water
25 delivered by the defendant or defendants, for the reason
26 that it is not the best evidence. The mere opinion as to
27 the quantity delivered, until it has been shown that no
28 better evidence exists, ought not to be received. I will
29 agree that the estimates are frequently received from the

1 necessities of a case, where it is shown that no better
2 evidence exists; but in the present case, the witness
3 has testified to the receipt of a definite quantity of
4 water from definite sources, and no doubt the water has
5 been disbursed and distributed by the companies with equal
6 certainty. And still, under some circumstances, the object-
7 ion that an opinion is called for, might not be sustained;
8 under the circumstances which might be assumed to exist
9 here till the contrary is shown, I think the objection
10 does lie.

11 Mr. McKinley: I do not understand my question to call
12 for an opinion.

13 (The question is read).

14 Mr. Britt: May I interject a question here?

15 The Court: Yes.

16 Mr. Britt: Q Has not your company kept a record of
17 the quantity of water delivered by it from year to year?

18 A Yes, there have been records kept.

19 The Court: Do you know anything about the actual amount
20 of water received or distributed except by the reports
21 filed in your office while you were secretary?

22 A From my general knowledge from talking to the zanjero
23 and conversing with the irrigators who constantly come into
24 the office in large numbers.

25 Q Exactly; what somebody else has told you?

26 A That is it.

27 Mr. McKinley: I will not press the question farther.

28 The Court: It does seem to me that there are certain mat-
29 ters so clearly within the knowledge of all of us -- I

[illegible]

1 am not speaking of my knowledge as a court -- but, for
2 instance, that the colony of Ontario has grown in popula-
3 tion; that the acreage has increased; that it is a
4 steady growing section, which requires water, and that
5 the trees require more water as they get older. It seems
6 to be a waste of time to go into those things, and it seems
7 to me that a stipulation ought to be made. I do not care
8 to impose on counsel, but it is a time-saving proposition.

9 Mr. McKinley: I do not want to waste much time on it,
10 but we wanted to make some kind of a record.

11 Mr. Britt: We will admit that citrus orchards as they
12 grow older, up to 12 years, require more water. After
13 they attain that age, the demand is more constant.

14 The Court: Is there any controversy that citrus orchards
15 in the colony of Ontario require water for irrigation?

16 Mr. Britt: None.

17 The Court: Is there any controversy that the population
18 in that community has increased in the last few years?

19 Mr. Britt: None.

20 The Court: Is there any controversy that there has been
21 an increase in acreage of citrus groves?

22 Mr. Britt: We do not know about that. Our impression
23 is that there has been very little increase of the citrus
24 groves.

25 The Court: Then that seems to be about all there is in
26 dispute about that phase of the case.

27 Mr. McKinley: Yes; I am glad your Honor has simplified
28 the matter.

29 Q Mr. Shepherd, you were asked to produce the books

showing your accounts with reference to the matter of ex-

penditures incurred by the San Antonio Water Company in the purchase of and the making of the various developments to which you have testified. Have you the books with you, from which you have testified?

A I have. I haven't brought the regular ledger accounts, but I have brought the minute-book which shows the annual statement; part of the records which shows the amount that has been expended on these different developments.

Q State the amount that has been expended on the different developments, and if you can, separate it, and give the amount before the commencement of the action on March 1st, 1904.

Mr. Britt: Give us the dates, if you can, of the expenditures.

A It would save very much time if I could go over these books. That is, if I have got to get the amounts at the different times and tabulate it, and refer to them very quickly, instead of hunting up all the data right here now.

Mr. Britt: I think that would be better.

Mr. Waters: The law has been changed so that that can be done -- to make a summary of voluminous accounts. We have done it in other cases like this, and found it very expeditious.

Mr. McKinley: Then with that understanding, covering that matter, will complete my examination of Mr. Shepherd. If you will, also include in that, Mr. Shepherd, the statement showing the bonded indebtedness that the company has incurred. Oh, there is another matter that I want to ask

1 about also. Mr. Shepherd, are you familiar with the way
2 in which the business of the Ontario Power Company has been
3 carried on in its relations to the San Antonio Water Com-
4 pany?

5 A I am.

6 Q When did there first begin to exist any relationship
7 between the San Antonio Water Company and the Ontario Pow -
8 er Company?

9 A In 1902.

10 Q Will you give the history of that relationship, not
11 of course, stating the contents of written agreements --
12 what the Ontario Power Company was doing previous to that,
13 what business they were carrying on, and then what rela-
14 tionship arose between them in the history of the ~~these~~ two
15 companies in the carrying on of business.

16 A Previous to the time that the capital stock of the
17 Ontario Power Company came into the possession of the
18 San Antonio Water Company, I don't know very much about
19 how they conducted their business; but from that time on--
20 from the time it came into the possession of the San An-
21 tonio Water Company, I am familiar.

22 Q What business was the Ontario Power Company carrying
23 on?

24 A It was developing water very largely. That is, I think,
25 that seemed to be their principal business, as far as I
26 know.

27 Q Where were they developing water?

28 A On the west side of the Red Hill at Cucamonga.

29 Q And were they carrying on any business with that water,

1. The first part of the report is a general statement of the purpose of the study. It is to determine the effect of the new method of teaching on the students' learning.

2. The second part of the report is a description of the method used in the study. It is a descriptive method, and it is used to determine the effect of the new method of teaching on the students' learning.

3. The third part of the report is a description of the results of the study. It is a descriptive method, and it is used to determine the effect of the new method of teaching on the students' learning.

4. The fourth part of the report is a description of the conclusions of the study. It is a descriptive method, and it is used to determine the effect of the new method of teaching on the students' learning.

5. The fifth part of the report is a description of the recommendations of the study. It is a descriptive method, and it is used to determine the effect of the new method of teaching on the students' learning.

1 or doing anything with it? What were they doing with the
2 water that they developed?

3 A I don't know.

4 Q I don't mean specifically, but generally; were they
5 making any use of it, other than for the purposes of irri-
6 gation, or purporting to?

7 A They were using some water for domestic purposes, but
8 I don't know as they were using any for irrigating pur-
9 poses.

10 Q Proceed with what has been done since that in the way
11 of carrying on business -- what that company has done.
12 That is, what business has the Ontario Power Company car-
13 ried on?

14 A Since it came into the possession of the San Antonio
15 Water Company they have been carrying on the business of
16 furnishing water for irrigation and for domestic purposes,
17 and generating electric power, and selling electrici~~ty~~ for
18 light and power purposes.

19 Q How was that business carried on, as to whether it
20 was carried on with the business of the San Antonio Water
21 Company, or carried on separately?

22 A It was carried on separately.

23 Q Were the officers of the company the same?

24 A The business was done in the same office.

25 Q Were the officers the same?

26 A Not the same officers.

27 Q In 1902, were the books of the two companies kept
28 together or separately?

29 A They were kept separately.

1. The first thing I noticed when I stepped out of the plane was the fresh air. It felt like I had been in a bubble for the last few days. The sun was shining brightly, and the birds were singing. I took a deep breath and felt a sense of peace. I had been so stressed lately, and this was a perfect opportunity to relax. I walked towards the beach, feeling the sand under my feet. The water was crystal clear, and the waves were gentle. I sat down on a towel and watched the sunset. It was a beautiful sight, and I felt like I was in a different world. I had found a moment of tranquility, and I was grateful for it.

2. The second thing I noticed was the smell of the ocean. It was a mix of salt and sand, and it reminded me of my childhood. I had spent so much time at the beach, and it felt like I was back there again. I closed my eyes and let the smell fill my lungs. It was a comforting scent, and it made me feel like I was home. I had been so busy lately, and this was a perfect opportunity to take a break. I had found a moment of peace, and I was grateful for it.

3. The third thing I noticed was the sound of the waves. It was a rhythmic sound, and it reminded me of a lullaby. I had been so stressed lately, and this was a perfect opportunity to relax. I closed my eyes and let the sound fill my ears. It was a soothing sound, and it made me feel like I was in a different world. I had found a moment of tranquility, and I was grateful for it.

4. The fourth thing I noticed was the feeling of the sand. It was soft and warm, and it reminded me of a blanket. I had been so stressed lately, and this was a perfect opportunity to relax. I lay down on the sand and let the feeling fill my body. It was a comforting feeling, and it made me feel like I was home. I had been so busy lately, and this was a perfect opportunity to take a break. I had found a moment of peace, and I was grateful for it.

5. The fifth thing I noticed was the sight of the sunset. It was a beautiful sight, and it reminded me of a painting. I had been so stressed lately, and this was a perfect opportunity to relax. I watched the sun set behind the horizon, and the sky turned a deep orange. It was a peaceful sight, and it made me feel like I was in a different world. I had found a moment of tranquility, and I was grateful for it.

6. The sixth thing I noticed was the feeling of the water. It was cool and refreshing, and it reminded me of a shower. I had been so stressed lately, and this was a perfect opportunity to relax. I stepped into the water and let the feeling fill my body. It was a soothing feeling, and it made me feel like I was in a different world. I had found a moment of peace, and I was grateful for it.

7. The seventh thing I noticed was the sound of the seagulls. It was a loud and cheerful sound, and it reminded me of a party. I had been so stressed lately, and this was a perfect opportunity to relax. I listened to the seagulls as they flew over the beach, and I felt like I was in a different world. I had found a moment of tranquility, and I was grateful for it.

8. The eighth thing I noticed was the feeling of the breeze. It was light and airy, and it reminded me of a feather. I had been so stressed lately, and this was a perfect opportunity to relax. I felt the breeze as it blew across my face, and I felt like I was in a different world. I had found a moment of peace, and I was grateful for it.

9. The ninth thing I noticed was the sight of the beach. It was a beautiful sight, and it reminded me of a picture. I had been so stressed lately, and this was a perfect opportunity to relax. I looked at the beach as it stretched out before me, and I felt like I was in a different world. I had found a moment of tranquility, and I was grateful for it.

10. The tenth thing I noticed was the feeling of the sun. It was warm and bright, and it reminded me of a smile. I had been so stressed lately, and this was a perfect opportunity to relax. I felt the sun as it shined on my face, and I felt like I was in a different world. I had found a moment of peace, and I was grateful for it.

1 Q Were you an officer of the Ontario Power Company at
2 any time?

3 A I was.

4 Q How long were you an officer of it?

5 A I have been an officer ever since it came into the
6 possession of the San Antonio Water Company up to the pres-
7 ent time.

8 Q Are you still an officer?

9 A Still a director of the company.

10 Q Were you secretary of the Ontario Power Company at
11 any time?

12 A I was secretary; yes, sir.

13 Q How long were you secretary?

14 A Up to about two years ago.

15 Q And during that time were you secretary of the San
16 Antonio Water Company also?

17 A I was.

18 Q Did you perform your duties for each company entirely
19 separately?

20 A Entirely separately.

21 Q Who was president of the San Antonio Water Company
22 during that time?

23 A Mr. W. T. Keeke.

24 Q Who was president of the Ontario Power Company?

25 A Mr. L. S. Dyar.

26 Q Were the directors of the two companies the same?

27 A They were not.

28 Q Were the bookkeepers and other employees the same --
29 of the two companies -- during the time you were there?

A The bookkeeping was done by the same parties. There

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1 there were other employees, of course, that didn't work
2 for both companies.

3 Q Since you ceased to be secretary, do you know how
4 the business has been carried on? You are a director
5 still?

6 A Still a director.

7 Q Who has been secretary of the Ontario Power Company
8 since you ceased to be secretary?

9 A Mr. J. M. Hartley was secretary for a time. Mr. J.O.
10 Mills is the secretary at the present time.

11 Q Has the business of the companies been carried on in
12 the same way since you went out as secretary as before?

13 A It has.

14 Q That is, separately?

15 A Absolutely separately.

16 Cross-Examination.

17 Mr. Britt: Q Mr. Shepherd, who has possession of the
18 stock books of the Ontario Power Company -- the actual
19 custody of them? Mr. Mills or yourself?

20 A I am slightly deaf, Mr. Britt. I have missed one word.

21 Q Who have had the actual custody of the stock books
22 of the San Antonio Water Company and the Ontario Power
23 Company?

24 A They are in the possession of the secretary, Mr. Mills.

25 Q Has he the possession of the stock books of both com-
26 panies?

27 A He has.

28 Q His office is kept where?

29 A At Ontario.

1 Q With whom? You?

2 A The office of the San Antonio Water Company and the
3 office of the Ontario Power Company are in the same build-
4 ing.

5 Q Are they in the same room?

6 A There are several rooms there . They occupy the same
7 rooms, and do business in the same ~~rooms~~ rooms.

8 Q Mr. Mills occupies those rooms with you? You and he
9 occupied the rooms together?

10 A I am only there occasionally as a director, when they
11 have a meeting of the board of directors.

12 Q I understood you to say you are secretary?

13 A Not now. Mr. Mills is the secretary now. I am a
14 director.

15 Q I thought you were still secretary of the San Antonio
16 Water Company?

17 A No, I am not.

18 Q You were secretary of both companies till two years
19 ago?

20 A Yes, sir.

21 Q And then some one else held the office for a time --
22 Hartley, you say, his name was?

23 A J. N. Hartley.

24 Q And at present Mr. Mills is secretary of both compa-
25 nies?

26 A Yes, sir.

27 Q And he has the custody of the books of both companies

28 A Yes, sir.

29 Q You are a director in both companies?

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1 A I am a director of the Ontario Power Company only. Not
2 of the San Antonio Water Company.

3 Q Have you ever been a director of the San Antonio
4 Water Company?

5 A I have not.

6 Q The two companies have the same general manager,
7 have they not -- Mr. Leeke?

8 A They have.

9 Q Always have had since the majority of the stock, or all
10 the stock of the Ontario Power Company was taken over
11 by the San Antonio Water Company?

12 A Mr Leeke managed both companies.

13 Q He managed the operation of both companies?

14 A Yes, sir.

15 Q Can you produce the minutes of those two companies?

16 A I can. They are not here at the present. There is
17 only a p rtion of them here at present. None of the
18 minutes of the Ontario Power Company are here.

19 Q You referred to the time when the stock of the Ontario
20 Power Company was taken over or acquired by the San An-
21 tonio Water Company. What was that date? I suppose your
22 books will show definitely, but as you have undertaken
23 to say here that it occurred, I believe in 1902, can you
24 give the date exactly?

25 A It was in May. About May the 8th or 9th of May, 1902.

26 Q Do the transfers of the stock appear in the stock-book
27 of the Ontario Power Company?

28 A They do.

29 Q Will you produce those books -- the stock books of

[illegible]

1 the Ontario Power Company?

2 A I can.

3 Q I will ask you to do so -- Can you do so tomorrow
4 morning?

5 A Yes, sir.

6 Q And the book of minutes of the stockholders and directors,
7 showing the proceedings of the stockholders and directors
8 of the Ontario Power Company. Can you produce those?

9 A I can.

10 Q Please do so tomorrow morning. And the book of min-
11 utes of the proceedings of the stockholders and directors
12 of the San Antonio Water Company are in court, part of
13 them, at present I understand?

14 A They are.

15 Q Will you produce the residue tomorrow morning?

16 A I will.

17 Q Now, I understood you to say, Mr. Shepherd, that the
18 Ontario Power Company began at some time the business of
19 furnishing water outside of the cities which had previous-
20 ly been carried on by the San Antonio Water Company. At
21 what time did the Ontario Power Company undertake that
22 part of the distribution?

23 A I can't give the exact date, but it was shortly after
24 the capital stock of the Ontario Power Company was pur-
25 chased by the San Antonio Water Company.

26 Q Was that arrangement between the two companies the
27 result of any contract in writing?

28 A I think not.

29 Q How was it arrived at? By any entry in the books of

1 minutes, or any direction or agreements, or any direction
2 to the officers, or agreement between the companies en-
3 tered up in their books, or was it merely an oral under-
4 standing?

5 A My opinion is that it was just an understanding that
6 the Ontario Power Company was the proper corporation to
7 distribute and sell domestic water, for the reason that,
8 I think, the San Antonio Water Company never made any
9 charge for domestic purposes. I don't think the San
10 Antonio Water Company was legally entitled to sell water
11 for such purposes.

12 Q I suppose that that subject of the distribution of
13 water by the two corporations in their respective dis-
14 tricts, or spheres, was a matter of discussion among the
15 directors, was it?

16 A I think it must have been talked over.

17 Q But you think there was no regular corporate action
18 taken by resolution of the directors entered in their
19 minutes?

20 A There may have been. As I understand, the result of
21 that arrangement was that the San Antonio Water Company,
22 which had previous to that time been distributing water,
23 both in the cities of Ontario and perhaps Upland, and also
24 to the ranches outside of the cities, it turned over the
25 business of distributing water to the ranches to the Ontario
26 Power Company. The San Antonio Water Company never dis-
27 tributed water for domestic purposes inside of the resi-
28 dence portion or town lots of the city of Ontario, or the
29 city of Uplands. Those corporations owned stock -- at

1 least the Ontario City owned stock -- and the water was
2 delivered to them in a reservoir, and the city took pos-
3 session at that point, and made the distribution, and col-
4 lected the rates itself. The San Antonio Water Company
5 had nothing to do with it. In the city of Upland there
6 is a private corporation that owned stock in the San
7 Antonio Water Company. Water was delivered to them in
8 proportion to the stock that they owned, in a reservoir,
9 and they made the distribution in the city of Uplands.

10 Q What is the name of that corporation?

11 A I don't know. I cannot call it to mind.

12 Q Very well, proceed. What about the lands outside of
13 the cities?

14 A On the ranches outside, they were not within reach of
15 the domestic systems of these towns, the water was dis-
16 tributed by the San Antonio Water Company, and afterwards
17 by the Ontario Power Company, that is for domestic purposes.

18 Q For irrigation also?

19 A The San Antonio Water Company for irrigation, but the
20 Ontario Power Company I don't think distributes water for
21 irrigation purposes.

22 Q Since this arrangement between the two companies, has
23 all the water outside of the cities of Upland and Ontario
24 under the control of either company, been managed for the
25 purposes of distribution by the Ontario Power Company?

26 A The Ontario Power Company does not distribute the San
27 Antonio Water Company water. It distributes its own water,
28 so that the Ontario Power Company does not manage the dis-
29 tribution of the water of the San Antonio Water Company.

1 Q I don't seem to make my inquiry quite clear. I un-
2 derstood you to say that the Ontario Power Company under-
3 took the business of distributing water outside of the
4 cities.

5 A For domestic purposes.

6 Q For domestic purposes only?

7 A Only.

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Q Does it make no distribution outside of the cities for irrigation?

A No.

Q How long has it been distributing water outside of the cities for domestic purposes.?

A Since 1902; sometime after our company came into the possession of the San Antonio Water Company, but just the date they began that work I don't remember.

Q Now then, does the San Antonio Water Company continue and has it continued since that time in 1902 to distribute water for irrigation outside of the cities of Upland and Ontario?

A Yes.

Q Does it distribute to anyone besides stockholders?

A It does not.

Q Are these people who receive water from the Ontario Power Company outside of the cities stockholders of the San Antonio Water Company.?

A They are; but it may be distributed to some parties that are not stockholders.

Q It is sold to other parties?

A It is sold to other parties.

The Court: Q You mean by these stockholders who have rights in the stock, or sold by the company?

A Sold by the company.

Mr. Britt: Q Would the books and records and the reports which you refer to or referred to a while ago in a question put by the Court, of the zanjaros and other people, show the quantity of water delivered by these two companies respectively?

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A I think so.

Q Are those records kept in book form and have they been so kept since 1902,-- the record of water deliveries by the two companies respectively?

A I don't think there is any regular book that shows that.

Q What sort of a book does show it?

A It might be picked out of the records.

Q Do you mean to say that there are no books devoted to a record of water deliveries?

A No.

Q What sort of records are those water deliveries entered in?

A The water that would be sold by the Ontario Power Company would be charged up to consumers in the ledger.

Q And that ledger is at the office of the two companies, is it?

A Yes, sir.

Q I will ask you to kindly produce that later.

A But the water that is delivered by the San Antonio Water Company, being a mutual company, there is no charge for it and no record kept-- no charge made.

Q Now this water for which a charge is made by the Ontario Power Company comes from what source?

A It comes from the property of the company over near the Red Hill and Cucamonga, and it also comes from water that the Ontario Power Company owns in San Antonio Canyon.

Q Had those lines of pipe leading from the Red Hills at Cucamonga and from the 16th Street wells been constructed before the acquisition of the stock of the Ontario Power

1 Company by the San Antonio Water Company?

2 A The 16th Street Pipe line was laid before the acquisition
3 of the Ontario Power Company. I think the line from the
4 Cucamonga Red Hill was constructed afterwards, while there
5 was a small line from that neighborhood that was run and
6 constructed before that time by Mr. Stowell or some other
7 party that we rented water from.

8 Q Here is a deed produced in evidence yesterday-- first
9 an agreement between the Cucamonga Fruit Land Company and
10 the San Antonio Water Company, of date April 8, 1899, and
11 then a deed of about the same time from Stowell and the
12 Cucamonga Fruit Land Company to the San Antonio Water Com-
13 pany. Now in the year 1899 and in 1900 did the San Antonio
14 Water Company construct any pipe lines for the purpose of
15 carrying on the water which is the subject of that agreement
16 of April 8, 1899, and the deed of about the same date?

17 A I think there was a line constructed both by the San
18 Antonio Water Company and by Mr. Stowell or the Cucamonga
19 Fruit Land Company,

20 x previous to the acquisition of the stock of the Ontario
21 Power Company, and there was also another line in the same
22 vicinity by the Ontario Power Company after that water was
23 obtained in 1902. There are two pipe lines there.

24 Q Do they run parallel?

25 A They do.

26 Q Was the line which the Ontario Power Company constructed
27 constructed after its stock, nearly all of it, was acquired
28 by the San Antonio Water Company?

29 A One of those lines was constructed afterwards.

...and the

John Wiley & Sons, Inc., New York, New York, 1964, pp. 1-144. [Chap. 2, Sec. 2.1]

1 Q The Ontario Power Company had no line there previous to
2 that time-- it had no pipe line previous to the acquisition
3 of its stock by the San Antonio Water Company?

4 A I think not.

5 Q What is the relation of those two lines with each other?
6 Do they run parallel? Are they close together or wide apart?
7 How are they situated on the ground?

8 A Very close together; one right close to the other.

9 Q And are they on the same right of way?

10 A In the same right of way.

11 Q And they both commence at the measuring box about half
12 a mile west of the mouth of the Ladie tunnel? Do you remem-
13 ber that about 1903 there was a second line constructed from
14 that measuring box over to the mouth of the Ladie tunnel?

15 A There was a second line constructed there. I can't give
16 the date.

17 Q Are the diameters of those two pipe lines the same? What
18 is the size of the two pipe lines-- those two parallel pipe
19 lines?

20 A I think one is 22-inch, and I don't know the size of the
21 other. It is quite a large pipe line.

22 Q Is it less or greater than 22 inches?

23 A I think it is greater.

24 Q Those two lines have their commencement about the mouth
25 of the Ladie tunnel and they run parallel to what point?

26 A To a point on the east line of the lands of the Ontario
27 colony.

28 Q Do they there separate and take different courses?

29 A They run in one pipe line until that pipe line is inter-

1 sected by other pipe lines running north and south, and the
2 water is there distributed into the different pipe lines as
3 noted.

4 Q Those two pipe lines, as I understand, then join at the
5 eastern boundary of the Ontario Colony?

6 A Yes, sir.

7 Q And they discharge into a single pipe line?

8 A Yes.

9 Q What is the size of that single pipe line?

10 A I don't know; 18 or 20 inches about.

11 Q On this map, defendants' exhibit "A", the two parallel
12 pipe lines are shown, are they?

13 A They are.

14 Q Extending from a point marked-- State what that notation
15 is where the two pipe lines begin?

16 A From the Cucamonga "T" weir, no. a, is where that
17 pipe line begins.

18 Q There are two of them, are there?

19 A There are two pipe lines there.

20 Q And this is extending --

21 A To a sand box at the eastern line of the lands of the
22 Ontario colony.

23 Q Do you know whose land that sandbox is situated on?

24 A The Ontario Power Company.

25 Q Now I notice that one of those pipe lines is marked on
26 this map 30-inch pipe line and the other 22-inch pipe line.
27 That is your recollection of their respective dimensions,
28 is it?

29 A That is correct I think. I never measured them, but that

1. The first step in the process of creating a new product is to identify a market need. This involves conducting market research to determine what consumers want and what problems they are trying to solve. Once a need is identified, the next step is to develop a concept that addresses this need. This is often done through brainstorming sessions with a team of creative people. The concept is then refined and developed into a more detailed plan. This plan outlines the features and benefits of the product, as well as the marketing and distribution strategy. The final step in the process is to create a prototype of the product. This allows the company to test the product and gather feedback from potential customers before launching it into the market.

1 is what they are marked here, and there is no doubt but what
2 that is correct.

3 Q At the sand box on the east line of the Ontario colony
4 I understand that those two pipe lines merge in one?

5 A That is my understanding.

6 Q Now from that point where does this single pipe line
7 proceed? Where does it run to?

8 A It runs west to Euclid Avenue.

9 Q About how far?

10 A It must be about a mile. It may run further than that.
11 It intersects the irrigating system of the San Antonio Water
12 Company, that is, its pipe lines that are running north and
13 south-- different pipe lines.

14 Q That is, between the sand box and Euclid Avenue it in-
15 tersects several lateral lines?

16 A Yes, sir.

17 Q What company controls these lateral lines for the pur-
18 poses of distribution?

19 A The San Antonio Water Company.

20 Q Where do the lines begin which the Ontario Power Com any
21 uses for distribution? Where do those intersect the single
22 pipe line west from the sand box?

23 A The Ontario Power Company has some agreement with the
24 San Antonio Water Company to use its pipe lines.

25 Q Is that agreement in writing?

26 A My impression is that it is in writing, but I am not
27 sure.

28 Q Will you ascertain and produce it, if you please, Mr.
29 Shepherd.?

1. The first question is whether the evidence is sufficient to establish that the defendant is guilty of the crime charged. The evidence must be such that a reasonable person would believe that the defendant is guilty of the crime charged.

2. The second question is whether the evidence is sufficient to establish that the defendant is guilty of the crime charged. The evidence must be such that a reasonable person would believe that the defendant is guilty of the crime charged.

3. The third question is whether the evidence is sufficient to establish that the defendant is guilty of the crime charged. The evidence must be such that a reasonable person would believe that the defendant is guilty of the crime charged.

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6. The sixth question is whether the evidence is sufficient to establish that the defendant is guilty of the crime charged. The evidence must be such that a reasonable person would believe that the defendant is guilty of the crime charged.

7. The seventh question is whether the evidence is sufficient to establish that the defendant is guilty of the crime charged. The evidence must be such that a reasonable person would believe that the defendant is guilty of the crime charged.

8. The eighth question is whether the evidence is sufficient to establish that the defendant is guilty of the crime charged. The evidence must be such that a reasonable person would believe that the defendant is guilty of the crime charged.

9. The ninth question is whether the evidence is sufficient to establish that the defendant is guilty of the crime charged. The evidence must be such that a reasonable person would believe that the defendant is guilty of the crime charged.

10. The tenth question is whether the evidence is sufficient to establish that the defendant is guilty of the crime charged. The evidence must be such that a reasonable person would believe that the defendant is guilty of the crime charged.

1 A I can do that, I think.

2 Q Then the Ontario Power Company for the purposes of the
3 distribution carried on by it, uses the pipe lines of the
4 San Antonio Water Company?

5 A Yes, sir.

6 Q And for that distribution it collects pay or compensation
7 as shown in the books of that company?

8 A Yes, sir.

9 Q Which of those parallel pipe lines was first construct-
10 ed, the 22-inch or the 30-inch?

11 A The 22-inch.

12 Q Do you know in what year that was constructed?

13 A 1899, I think.

14 Q In what year was the 30-inch pipe line constructed?

15 A I can't give the year.

16 The Court: Isn't this all in evidence? I had an idea it
17 was.

18 Mr. Britt: May be Mr. Leeke testified about it. I do not
19 remember. Wasn't it in 1903?

20 A I think it is very likely it was in 1903.

21 Q What was the purpose of constructing the large pipe line
22 or 30-inch line?

23 A To increase the capacity to carry water.

24 Q Who paid for the construction of that larger line or 30-
25 inch line?

26 A The Ontario Power Company, I am quite sure.

27 Q At that time controlled by the San Antonio Water Company?

28 A Yes, sir.

29 Q Has the Ontario Power Company any pipe lines of its own

OFFICIAL REPORTER
SUPERIOR COURT

1900

[illegible]

• 1998 • 1999 • 2000

• 1987 •

1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 26

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Dr. Brian R. Davis, MD, PhD

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1 west of the sand box to which your attention was directed
2 on the map exhibit "A"?

3 A I think not.

4 Q There is no water distributed east of that sand box, is
5 there, by either company? That is, along the line of those
6 parallel pipes?

7 A The Ontario Power Company had distributed some on its
8 own property there, but I have got no personal knowledge
9 of it.

10 Q I understood you to say that in 1898 the San Antonio
11 Water Company received some water from Stowell under a lease:
12 Is that your recollection?

13 A That is my recollection.

14 Q Was that a written lease?

15 A I think it was verbal.

16 Q 30 inches of water?

17 A That is about the amount.

18 The Court: Q Are you not mistaken about that? Wasn't there
19 a written contract, Mr. Shepherd?

20 A I don't think so.

21 Q I had the impression there was. I might be mistaken.

22 A There might have been, but my recollection is that
23 there was a verbal agreement.

24 Mr. Britt: Q I suppose if it was verbal there is some
25 entry of it appearing in the book of minutes.

26 A Oh, yes; we can dig up some records that will show the
27 facts.

28 Q If there was a written lease I will ask you to produce it
29 that if it is discoverable. I understood you to say that

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1 that water was used for several months-- the 20 inches.

2 A Yes; it began some time in the summer of 1899 and ran
3 several months.

4 Q Did it run in 1899, after the making of this contract
5 of April 8 of that year?

6 A It continued to run there, but just what the details of
7 the matter were after the water company made the purchase,
8 I don't remember.

9 Q The San Antonio Water Company began to receive water
10 under this contract of April 8, 1899, I believe you said,
11 toward the end of that year? Or was it in August of that
12 year? It was August, wasn't it?

13 A They received a portion of that water immediately, if
14 that answers your question. The Cuamonga Fruit Land Com-
15 pany didn't have the total amount to deliver immediately
16 at the date of that contract. It was developing water and
17 it was turned over just as fast as they developed it.

18 Q The agreement for the purposes of developing or the agree-
19 ment to carry on the work of developing was done by the
20 Fruit Land Company or by Stowell or by both?

21 A It was done by the Fruit Land Company. Mr. Stowell seem-
22 ed to be doing all the work. What the arrangement was between
23 those two I don't know.

24 Q Concerning the arrangement that your company had with
25 Frankish & S farm, was that a written contract?

26 A That is, the arrangement to pump the well that was owned
27 by them?

28 Q Yes.

29 A That was a verbal contract.

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1 Q Any minute of it appearing in your books of the San An-
2 tonio Water Company?

3 A I can dig up something there that will show the facts--
4 that we got permission.

5 Q Did your company pay Frankish & Stamm anything for that
6 permission?

7 A I think not.

8 Q Do you know what was the depth of the Frankish & Stamm
9 shaft at that time?

10 A I do not.

11 Q Were you ever present personally at any pumping of that
12 Frankish & Stamm shaft?

13 A I was.

14 Q At what time? Do you recall?

15 A I can't recall the exact date. It was pumped in 1896 and
16 pumped again in 1898.

17 Q Whose machinery was used to pump it?

18 A At one time it was pumped by the machinery that belonged
19 to the Ontario Land and Improvement Company. That is, Frank-
20 ish & Stamm. At another time it was pumped by the machinery
21 that belonged to the San Antonio Water Company.

22 Q How long did that pumping last in 1896 of the Frankish &
23 Stamm shaft?

24 A I don't know, but it was probably through the irrigation
25 season.

26 Q Do you know how much water was obtained?

27 A About 30 inches.

28 Q Will your books or records show how long that arrangement
29 lasted? Do you know that there is, in your books or minutes ?

1. The first step in the process of the development of a new product is the identification of a market need. This is often done through market research, which can be conducted in a number of ways. One way is to conduct a survey of potential customers, asking them about their needs and preferences. Another way is to observe the behavior of potential customers in a natural setting, such as a store or a restaurant. A third way is to analyze the data from existing products, such as sales figures and customer feedback.

2. Once a market need has been identified, the next step is to develop a concept for a new product that meets that need. This is often done through brainstorming sessions with a team of people who are familiar with the market and the product. The concept should be based on the market need and should be unique and innovative. It should also be feasible and profitable.

3. The third step in the process is to develop a business plan for the new product. This plan should outline the goals and objectives of the product, the market strategy, the financial projections, and the marketing plan. It should also include a detailed description of the product and its features.

4. The fourth step in the process is to develop a prototype of the new product. This is often done through a process of prototyping, which involves creating a small-scale model of the product that can be used to test the concept and to gather feedback from potential customers. The prototype should be made of a material that is easy to work with and that can be modified easily.

5. The fifth step in the process is to conduct a pilot test of the new product. This is often done through a process of pilot testing, which involves selling the product to a small group of potential customers and observing their reactions. The pilot test should be conducted in a controlled environment, such as a store or a restaurant, and should be followed by a survey of the customers to gather feedback.

6. The sixth step in the process is to launch the new product. This is often done through a process of product launch, which involves selling the product to a large number of potential customers. The launch should be supported by a marketing campaign that includes advertising, promotion, and public relations.

7. The seventh step in the process is to monitor the performance of the new product. This is often done through a process of product monitoring, which involves tracking sales figures, customer feedback, and other performance indicators. The monitoring should be done on a regular basis and should be used to make adjustments to the product and the marketing plan as needed.

8. The eighth step in the process is to evaluate the success of the new product. This is often done through a process of product evaluation, which involves comparing the performance of the new product to the performance of existing products and to the market need. The evaluation should be done at the end of the product's life cycle and should be used to determine whether the product was a success or a failure.

9. The ninth step in the process is to discontinue the new product. This is often done through a process of product discontinuation, which involves stopping the production and sale of the product. The discontinuation should be done when the product is no longer profitable or when it is no longer in demand.

10. The tenth step in the process is to learn from the experience of the new product. This is often done through a process of product learning, which involves analyzing the data from the product and using it to improve future products. The learning should be done on a regular basis and should be used to make adjustments to the product and the marketing plan as needed.

1 A I think it is very doubtful if there is anything on
2 the record that will show the time.

3 Q In 1898 do you know how long the pumping of the shaft
4 of Frankish & Stamm lasted?

5 A I do not.

6 Q Do you know how much water was received at that time
7 when the shaft was pumped?

8 A About the same amount.

9 Q At that time (1896) when the water was pumped from the
10 Frankish and Stamm shaft where was it taken to?

11 A It was taken to the pipe system of the San Antonio
12 Water Company.

13 Q Had the San Antonio Water Company at that time a pipe
14 line on substantially the same route which is occupied by
15 the pipe line now leading from the 16th Street wells to
16 Ontario?

17 A It was an entirely different pipe line put in for tem-
18 porary purposes.

19 Q Not intended to be permanent?

20 A Not intended to be permanent.

21 Q Was that the same pipe line that was used to transport
22 the water in 1898?

23 A I could not say as to that.

24 Q You know what is called the Rubio well? You testified
25 about that.

26 A Yes, sir.

27 Q Where is this Frankish & Stamm shaft? You designate it
28 as well no. 3. Is it not well no. 3 according to these maps?
29 You say you don't know how deep that was?

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1. I am sorry to hear that you are feeling ill.
2. The doctor says you need to rest.
3. It is better to be safe than sorry.
4. Of course, I will do as you say.
5. I understand, and I will try to get better.
6. The first thing you should do is eat something.
7. After all, you need your strength.
8. I hope you feel better soon.
9. It is a long time, but you will get there.
10. Please don't worry about the money.
11. I will take care of everything.
12. I will be there for you.
13. I am sure you will be back soon.
14. The doctor says you need to rest.
15. It is better to be safe than sorry.
16. Of course, I will do as you say.
17. I understand, and I will try to get better.
18. The first thing you should do is eat something.
19. After all, you need your strength.
20. I hope you feel better soon.
21. It is a long time, but you will get there.
22. Please don't worry about the money.
23. I will take care of everything.
24. I will be there for you.
25. I am sure you will be back soon.

1 A I don't know the depth of the shaft.

2 Q When you say these maps, I suppose you refer to this
3 map, plaintiffs' exhibit ~~int~~ 1 and the map Defendants'
4 Exhibit "E"?

5 A Yes, sir.

6 Q Were you present when the deepening of that shaft was
7 going forward, Mr. Shepherd-- the deepening of well no. 3?

8 A I was at the well from time to time while the work was
9 going on.

10 Q It was going on in 1899 and 1900?

11 A It was one of those years. My impression was that it
12 would be 1899.

13 Q What time in the year?

14 A I don't know.

15 Q Have you any records which would show?

16 A I can get some records that will indicate the proper
17 time.

18 Q Do so, if you please. The expense of deepening-- the pay-
19 ment of the expense would show the time when the work was
20 going forward, would it not?

21 A I think it would.

22 Q The Rubio well came into the possession of the San
23 Antonio Water Company about the year 1900, I understood you
24 to say. Is that correct?

25 A No, I don't think it is quite correct. That is, it
26 didn't come into their possession as a matter of record.

27 Q I didn't ask you about the matter of record. What time
28 did the San Antonio Water Company receive actual possession
29 of the Rubio well?

1 A I could have the money for the work.
2 on, then, the day after tomorrow, I expect, the money is still
3 my, I believe, I think, I am not sure, I am not sure.
4 I am not sure, I am not sure, I am not sure.
5 I am not sure, I am not sure, I am not sure.
6 I am not sure, I am not sure, I am not sure.
7 I am not sure, I am not sure, I am not sure.
8 I am not sure, I am not sure, I am not sure.
9 I am not sure, I am not sure, I am not sure.
10 I am not sure, I am not sure, I am not sure.
11 I am not sure, I am not sure, I am not sure.
12 I am not sure, I am not sure, I am not sure.
13 I am not sure, I am not sure, I am not sure.
14 I am not sure, I am not sure, I am not sure.
15 I am not sure, I am not sure, I am not sure.
16 I am not sure, I am not sure, I am not sure.
17 I am not sure, I am not sure, I am not sure.
18 I am not sure, I am not sure, I am not sure.
19 I am not sure, I am not sure, I am not sure.
20 I am not sure, I am not sure, I am not sure.
21 I am not sure, I am not sure, I am not sure.
22 I am not sure, I am not sure, I am not sure.
23 I am not sure, I am not sure, I am not sure.
24 I am not sure, I am not sure, I am not sure.
25 I am not sure, I am not sure, I am not sure.
26 I am not sure, I am not sure, I am not sure.
27 I am not sure, I am not sure, I am not sure.
28 I am not sure, I am not sure, I am not sure.
29 I am not sure, I am not sure, I am not sure.
30 I am not sure, I am not sure, I am not sure.

1 A I will probably have to explain the circumstances con-
2 nected with that, and that is, that the San Antonio Water
3 Company was anxious to get the water rights on that piece
4 of property, but it didn't want the orange orchards-- the
5 surface of the land, and it requested Mr. Lecke, the presi-
6 dent of the company, to purchase that land in his own name--
7 that is, as an individual,-- and to take care of it and dis-
8 pose of the surface of the land and then deed to the San
9 Antonio Water Company the water rights. The San Antonio Wat-
10 er Company were after the water rights and didn't want the
11 land, and that seemed to be the only way they could get it.

12 Q Was that arrangement carried out?

13 A That arrangement was carried out.

14 Q Then while the title was held by Mr. Lecke and the
15 well was pumped it was by the San Antonio Water Company,
16 was it?

17 A I am very hazy about the pumping of that well for the
18 San Antonio Water Company. It may be quite possible that
19 all that pumping was done for use on the land itself. If
20 the San Antonio Water Company did pump that and distribute
21 any water in its own system, it must have been for a very
22 short time, and it may not have done so at all.

23 Q You stated yesterday "we pumped some water out of that
24 well" and it was in view of that statement that I was ask-
25 ing that question. And I suppose by "we" you meant the San
26 Antonio Water Company.

27 A Yes; the San Antonio Water Company did the pumping. That
28 is, it paid for it.

29 Q Did you personally have anything to do with the direction

[illegible]

1 of the places where that string of wells north of 10th Street
2 -- the so-called 10th Street wells-- should be bored or
3 drilled?

4 A The Board of Directors gave the instructions and orders
5 in regard to that while I was secretary.

6 Q Who went on to the ground and determined where the wells
7 should be bored or drilled?

8 A The board of directors of the San Antonio Water Company,
9 together with myself, and there may have been other parties.

10 Q What amount of stock of the San Antonio Water Company
11 is owned by the city of Ontario?

12 A About 200 shares.

13 Q Out of how many in all?

14 A 6,000.

15 Q How long has the city of Ontario owned that quantity of
16 stock?

17 A They owned 160 shares at the time that the city was in-
18 corporated, and since that time at different times they have
19 purchased stock making the amount at the present time
20 about 200 shares.

21 Q It is more now than it ever has been?

22 A Yes, sir.

23 Q What was the date of the last acquisition of stock by
24 the city?

25 A I don't know what the date was.

26 Q The city of Upland, I believe, owns no stock in the com-
27 pany?

28 A No, they do not.

29 Q What is the total amount of water which the San Antonio

[illegible]

1 Water Company distributed during the dry or irrigating seas-
2 on last year, do you know, approximately? What was the total
3 amount of water which the San Antonio Water Company distrib-
4 uted during the irrigation season last year?

5 A In 1898?

6 Q 1908.

7 A I don't know.

8 Q Do you know what it was in the last year when you were
9 secretary, which I believe would be 1906 or '7?

10 A No; I cannot recall the different amounts in different
11 years.

12 Q About what quantity of water does the city of Ontario
13 receive upon its 200 shares of stock in the San Antonio
14 Water Company?

15 A I don't know, but I think it is about 30 inches.

16 Q If it received 30 inches and it has 1/30 of the stock,
17 then it would seem that the company has possession or control
18 of about 900 inches of water? Is that correct?

19 A I think that is about correct at the present time.

20 Q It is a supply from the San Antonio Canyon, I think?

21 A Yes; and other sources.

22 Q It has some tunnels and wells, hasn't it, up in the
23 San Antonio Canyon?

24 A They have a tunnel up there but no wells.

25 Q Has it some wells in the San Antonio watershed below the
26 mouth of the San Antonio Canyon?

27 A It has one well on 21st Street.

28 Q From what other ^{source} ~~well~~, does the city of Ontario derive
29 water besides this 200 shares of stock of the San Antonio

1. The Commission has received information from the public that the Commission's decision to grant a license to the applicant for the proposed project is in the public interest.

[illegible]

1 Water Company?

2 A It has no other source.

3 Q The city of Upland, I believe, owns no stock in the San
4 Antonio Water Company?

5 A No, they do not.

6 Q There is a private corporation there which is a stock-
7 holder in the San Antonio Water Company?

8 A Yes, sir.

9 Q How many shares of stock does it hold?

10 A I don't know how many.

11 Q Do you know how much water it receives?

12 A I do not.

13 Q During the time you were secretary of both companies,
14 the San Antonio Water Company and the Ontario Power Company,
15 did you receive a salary from both?

16 A I received a salary only from the San Antonio Water Com-
17 pany.

18 Q You received no compensation from the Ontario Power Com-
19 pany?

20 A No; not individually.

21 Q You performed the duty of secretary of that company for
22 the compensation that was paid by the San Antonio Water Com-
23 pany?

24 A I performed the duties without any pay, and they paid
25 the detail work-- for the book keeper.

26 Q Mr. Leeke was the general manager of both companies and
27 is yet. Does he receive a salary from both companies?

28 A I understand that he now receives a salary from both
29 companies. But in the early days he only received a salary

1890

There is a lot of information in a book.

14. *Journal of the American Statistical Association*, 92, 1997, 1029-1038.

1. The organization must be non-profit and have a clear mission statement.

1 from the Ontario Power Company. I don't think at that time he
2 had ever been officially appointed manager of the San Antonio
3 Water Company.

4 Q At what time was he appointed manager of the San Antonio
5 Water Company?

6 A I couldn't give the date, but I think it was a year or
7 two ago.

8 Q The minutes will show I suppose?

9 A The minutes will show that.

10 Q Since he was appointed how has the matter of his compen-
11 sation been adjusted between the companies, if any adjust-
12 ment was made at all?

13 A I don't know. I am not now in the office.

14 Q You are still a member of both boards of directors, are
15 you not?

16 A Yes.

17 Q Has the matter never been canvassed in the board of
18 directors of either company?

19 A Not in the Ontario Power Company except in a very casual
20 way;-- that he was to receive a salary from the Ontario Pow-
21 er Company. But whether the book keeper has adjusted the
22 matter or how I haven't ~~the slightest~~ any personal knowledge.

23 Q During the time you were secretary there was a bonded
24 indebtedness of the Ontario Power Company created, was there
25 not?

26 A No, sir.

27 Q Has that been created since you ceased to be secretary?

28 A No, sir.

29 Q Was it before you were secretary?

These are the main points of the report, I think you will find them of interest. I have also enclosed a copy of the report of the committee on the subject of the proposed amendment to the constitution of the Association. I think you will find it of interest. I have also enclosed a copy of the report of the committee on the subject of the proposed amendment to the constitution of the Association. I think you will find it of interest.

1 A It was before.

2 Q At what time was it that the San Antonio Water Company
3 guaranteed the payment of the bonds of the Ontario Power
4 Company?

5 A I don't know that they ever guaranteed them. They assumed
6 the responsibility. The Ontario Power Company pays those
7 bonds and I think the records will give the entire details
8 of that much better than I can tell it to you.

9 Q What was the purpose of the San Antonio Water Company
10 in acquiring virtually all of the stock of the Ontario Power
11 Company about the year 1902 and assuming its indebtedness?

12 A The San Antonio Water Company was after water.

13 Q What water could it acquire control of by obtaining the
14 control of that stock?

15 A The waters that the Ontario Power Company owned over
16 near the Red Hill.

17 Q Do you mean the waters that were issuing out of the Eadie
18 tunnel, or was it water of wells that had not been connected
19 with the Eadie tunnel at that time?

20 A I know there was one well that produced a large amount
21 of water that was not connected with the Eadie tunnel at that
22 time.

23 Q But was connected afterwards?

24 A It was afterwards connected.

25 Q Was that the well no. 14?

26 A No. 14, as I understand it.

27 Q The one which is now at the head of the tunnel?

28 A Yes, sir.

29 Q At that time have you personally made any examination of

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1 that well no. 14?

2 A I had gone over there with Mr. Stowell and others to
3 look at the well while they were trying to sell us the prop-
4 erty.

5 Q Was Stowell sinking well no. 14? Was it done under his
6 supervision?

7 A I think it was

8 Q At the time you were looking at it to what depth had it
9 been sunk, do you remember?

10 A No; I do not.

11 Q Did you witness any pumping of the wells for the purpose
12 of any test at that time?

13 A No; I didn't see any test pumping. Not any pumping for
14 a test.

15 Q Did your company have any pumping for a test done?

16 A I think not.

17 Q Was the acquisition of that well the principal object
18 in view in making that deal taking over the Ontario Power
19 Company's stock?

20 A That well was reported to us to contain a very large
21 amount of water, and it was certainly one of the principal
22 objects. Of course, we took everything else that we could
23 get with it.

24 Q There were some smaller wells in the neighborhood?

25 A Yes, sir.

26 Q The matter was, I suppose, a good deal discussed among
27 the members of the board of directors of the San Antonio
28 Water Company at that time?

29 A Sure.

1. The first part of the report is a general introduction to the project, which includes a brief history of the project and a statement of the objectives.

SUPERIOR COURT

Q Was there any discussion among the members of the board of directors of the San Antonio Water Company of the probable effect of the opening up of that well no. 14 on other wells lower down which opened into the tunnel?

Mr. McKinley: Objected to as irrelevant, immaterial and incompetent.

Mr. Brittle: It illustrates the object had in view by the San Antonio Water Company in taking over this stock, and it illustrates their understanding of the productivity of that well no. 14. Of course, I can't prognosticate the answer of the witness.

The Court: The objection is overruled. Defendants except.

A Very likely there was some discussions, but on other lines; but what the details of those discussions were I cannot remember.

Q That is quite likely. Who participated in the discussion? Mr. Leeke?

A Mr. Leeke was there. It would be the board of directors-- I don't just remember who they were. The books will show.

Q You had an engineer at that time?

A Yes, sir.

Q Did you have a consulting engineer at that time?

A We did.

Q Mr. Trask?

A No; I think it was Mr. Finkle.

Q Did you go over the subject with him?

A We did.

Q While you don't remember the details of that discussion,

1 what was the substance of it as to the effect of the opening
2 of that large well no. 14 on other wells in the immediate
3 vicinity which opened into the tunnel further south or south-
4 erly?

5 Mr. McKinley: Objected to as irrelevant, immaterial and
6 incompetent and seeking to arrive at an opinion without lay-
7 ing a foundation for it.

8 The Court: Q Do you remember whether Mr. Finkle made any
9 written report in relation to that matter?

10 A I think that Mr. Finkle made a report on the general pro-
11 position covering the whole ground, but I don't remember
12 that that report referred particularly to this question. In
13 fact, I have tried to find the report and have been unable
14 to find it.

15 Q Whatever report he made was present in the minds of the
16 board of directors at the time of this discussion?

17 A Oh, I think so.

18 The Court: The objection is overruled. Defendants except.

19 A I think the substance of it was that it would not affect
20 the flow from the other wells. I remember-- and I state that
21 because I remember distinctly discussing the matter with Mr.
22 Stowell, and he made the statement at that time that those
23 wells there did not seem to have any sympathy the one with
24 the other; that there was water standing in wells within
25 a few feet of the surface there while there were other wells
26 in the very immediate vicinity that were emptying into the
27 tunnel, some 125 feet below, and one did not seem to affect
28 the other. So I think the discussion would be on the lines
29 that the opening up of the well would not affect the other

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Type

The Director of the Department of Health and Human Services, Department of Health and Human Services, Washington, D.C. 20492.

THE LIVING ART OF STORY: A NEW CLASS OF WRITERS

Vollmacht: 1. und 2. St. (Sonderausstellung) 1994/1995

But the report itself indicates in its analysis: It

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The species *Thalassidroma* is represented by numerous fossils.

JusTice 2008 #Date /1/Full Jan /1 To Unsubscribe Mail List T-A

The first two are almost trivial. The third is

Because I consider myself fortunate to have been able to

[illegible][illegible]

the above; but there are other things to be said.

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in the very immediate vicinity of the

1977a, b) must further examine, and extend their IIC model, focusing

For example, I think the character would be on the line

1 wells, because there was no sympathy between them to any
2 extent.

3 Mr. Haskell: I move to strike out what the witness has stated
4 that Mr. Stowell said, as not responsive to the question an
5 as being hearsay. Mr. Stowell was not one of the directors.

6 Mr. McKinley: The question called generally for the discus-
7 sion and counsel gambled on the answer.

8 The Court: Mr. Stowell's statement will go out.

9
10 The Court takes a recess until half past one P. M.

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 32. which is not easily understood.

1 Afternoon Session, 1:30 p.m.

2 Cross-examination of B. C. Shepherd resumed.

3 Mr. Britt: Q Mr. Shepherd, did you bring with you
4 those books of account from which you thought you would
5 be able to give the amounts of expenditures made by the
6 San Antonio Water Company for pipe lines and other water
7 improvements, and the dates, with you here today?

8 A I have a portion here today, but I understood this
9 forenoon that I was to make a summary of the matter to
10 save time and bring it tomorrow.

11 Q Yes, very well, with that understanding I will ask
12 you to have the books here, as well as the summary, and
13 we will with the permission of the court, suspend the
14 cross-examination at this time.

15
16 Mr. Haskell: Q Has either the San Antonio Water Company
17 or the Ontario Power Company pumped any of the Sixteenth
18 Street wells during any portion of the year 1908?

19 A I don't know.

20 Q Is there any way that you can ascertain whether they
21 did or not?

22 A Well, in 1908, I will take that back, because I was
23 there to see the wells going.

24 Q Have you any way to tell what the amount pumped there
25 at that time was?

26 A I have not.

27 Q Do you know whether any of those wells were pumped
28 in 1907 or not?

29 A I do not know; I think I was absent from California

SUPERIOR COURT

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1 in 1907.

2 Q How many acres of land is irrigated by the San Anto-
3 nio Water Company under the pipe lines leading from the
4 Hadie tunnel?

5 A I don't know. That would be a pure guess as far as
6 I am concerned.

7 Q What proportion of the whole amount of 6,000 acres
8 or 5,000 acres which you have testified are being irrigat-
9 ed?

10 A I don't know what proportion that would be; another
11 mere guess.

12 Q How many acres of ground are irrigated under the sys-
13 tem leading from the 16th Street wells?

14 A I do not know that either.

15 Q At the time that you examined the well No. 14 in the
16 presence of Mr. Stowell, at the time you were negotiating
17 for its purchase by the Ontario Power Company, did you
18 see any water flowing from that well?

19 A I did.

20 Q Into what was it flowing?

21 A My recollection was that it was being pumped and that
22 the water was flowing on the surface of the ground for
23 some distance, and then dropped into a shaft.

24 Q What kind of power was used to operate that pump?

25 A Electricity.

26 Q Was the water flowing in an open channel on the ground,
27 or was it in some kind of a conduit?

28 A I think it was right on the open ground.

29 Q Do you know the quantity of water or approximately

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1 the quantity of water, that was being pumped from that
2 well at that time?

3 A I only know what Mr. Stowell told me.

4 Q Well, you had some idea at the time as to the meas-
5 urement of water, didn't you? You have handled water?

6 A Oh, I have an idea of the amount of water there was
7 there.

8 Q About how much?

9 A About 200 inches.

10 Q And this pumping was being done as a demonstration
11 to show you what the well could do, wasn't it?

12 A I couldn't say it was being done as a demonstration,
13 because I believe the well was being pumped right along
14 for their own purposes, and not simply to make a demon-
15 stration of the amount of water there was there. That
16 was my understanding of it.

17 Mr. Britt: We ask that the statement of what the witness
18 understood be stricken out, on the ground that it is a
19 mere inference, not responsive to the question, and in-
20 competent and a conclusion of the witness.

21 The Court: It seems to me the question calls for a con-
22 clusion. The motion is denied.

23 Mr. Britt: Exception.

24 Mr. Haskell: Q This examination was made by you and
25 other parties interested before the purchase by the
26 Ontario Power Company, was it not?

27 A Yes, sir.

28 Q And that was in the year 1902 or 1903?

29 A 1902, I believe.

... of the

1 Q Since the purchase by the Ontario Power Company, that
2 well has been cut off at the floor level, or approximate-
3 ly the floor level of the tunnel itself, hasn't it?

4 A I think so.

5 Q And it has not been capped at any time up to the pres-
6 ent time, has it?

7 A I don't know.

8 Re-Direct Examination.

9 By Mr. McKinley: Q You said this morning in answer to
10 a question by Judge Britt, that you were director of both
11 compabies: Have you ever been a director of the San
12 Antonio Water Company?

13 A I have not. I never was a director of the San Anto-
14 nio Water Company, and if I made that statement it was a
15 mistake.

16 Q Now you were examined with reference to the reasons
17 for the purchase of the Ontario Power Company's stock.
18 Had the San Antonio Water Company any controversies or
19 prospective controversies with the Ontario Power Company
20 in any place other than near the Red Hill there?

21 A They had.

22 Q Where was that?

23 Mr. Britt: Objected to as immaterial and irrelevant.

24 The Court: Overruled.

25 Mr. Britt: Exception.

26 A In San Antonio Canyon.

27 Q What was in controversy there?

28 A Both companies claimed certain power rights there.
29 The San Antonio Water Company had appropriated water for

1. The first of these is the fact that the
2. well has been found to be of the same
3. type as the other wells in the same
4. field. This is a very important
5. fact, as it shows that the same
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100. area. This is a very important

1 power purposes, and the Ontario Power Company claimed
2 practically the same thing on a portion of the ground,
3 and there was controversy over that.

4 Q You speak of the water from well No. 14 being turned
5 into a shaft: What if anything was that shaft connected
6 with?

7 A Connected with the Eadie tunnel.

8 Q Do you know what became of that water after it passed
9 through the tunnel at that time?

10 A I do not.

11 Re-Cross Examination.

12 By Mr. Haskell: Q I understood you to say on direct
13 examination that at a certain time in 1898 the San Anto-
14 nio Water Company took 30 inches of water by lease from
15 some one of the 16th street wells: That is correct, isn't
16 it?

17 A No; I think that that was not taken by any lease
18 from the 16th street wells. I think that that water was
19 water that we were permitted to take by Frankish and
20 Stamm, or from their wells.

21 Q Now, afterwards, they deepened the same well, didn't
22 they?

23 A Yes, sir.

24 Q And purchased the same well, and they pumped 100
25 inches I understood you to say?

26 A Yes, sir.

27 Q And I also understood you to say that from 1900
28 down to the present time they had continued to pump
29 100 inches?

1 A I don't think I said any such thing, and if I did it
2 was a very grave mistake; but I am satisfied that I
3 didn't say so.

4 Q Well, I so understood you. I just wanted to be cor-
5 rected if I was mistaken.

6
7 Mr. Britt: Q After the acquisition of the stock of the
8 Ontario Power Company by the San Antonio Water Company,
9 did those controversies that the companies had up in
10 the San Antonio Canyon, cease?

11 A Yes, sir, they ceased by virtue of the purchase of
12 the stock and settlement of all differences.

13 Q What controversies did the two companies have about
14 water in the neighborhood of the Red Hill? Judge McKin-
15 ley asked if the two companies had any other controver-
16 sies, and you said yes they had a controversy about water
17 rights in the San Antonio Canyon: What was the controversy
18 between the two companies at the Red Hill?

19 A I don't think that there was any particular controversy
20 at that point, except that the Ontario Power Company
21 had made a contract with a man named McConnell, to run a
22 tunnel from that point up to the property owned by the
23 San Antonio Water Company on 16th Street, which would
24 drain all of that territory, and the acquisition of the
25 stock of the Ontario Power Company eliminated that danger
26 and also protected our water rights in that vicinity.

27 Q From what point was it contemplated to run that tunnel
28 ~~down~~ by McConnell?

29 A From the end of the Eddie tunnel to the south-east

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1 corner of the property that was -- or near the south-east
2 corner of the property that was owned by the San Antonio
3 Water Company.

4 Q You speak of the end of the Hadie tunnel as it exist-
5 ed at that time?

6 A Yes, sir.

7 Q It was not as far north as it is at present?

8 A No, sir, I believe that it was a continuation of the
9 Hadie tunnel up to that point.

10
11 Mr. Haskell: Q In order to clear up this question of
12 what your testimony was, I would like to read it to you
13 from page 1910, line 10: "Q Do you mean that you did not
14 take water from it during the ownership of Frankish of
15 Stamm, or that you didn't take it ever?" "A Previous to
16 that date?" "Q No, subsequent to it." "A Oh, subse-
17 quent to it; we have taken lots of water from it since
18 hat time." "Q Well, that is what I want to know about.
19 I want to get the whole history of your getting water from
20 it. You first leased water from it, leased the use of
21 the well and pumped that season. Subsequent to that time
22 did the San Antonio Water Company ever take waster from
23 that well?" "A They did." "Q When?" "A 1898." "Q How
24 much did they take in 1898?" "A About the same amount."
25 "Q What about subsequent to that?" "A That water --
26 the land came into the possession of the San Antonio Water
27 Company, and in 1899 and 1900 -- I can't say which it is
28 without hunting up some records -- the San Antonio Water
29 Company deepened the well and pumped something like 100

1 inches of water out of it." "Q And how long did they
2 continue to pump that amount, ~~exactly~~ or an amount substantially that? How long did they
3 pump and take water from that?" "A Down to the present
4 time."

5
6 Now, as I understand you now, you were mistaken, or mis-
7 understood the question, and that was not the fact?

8 A No, I didn't misunderstand the question, and I think
9 the answer there is very explicit; that after the well
10 was finished that they did pump 100 inches of water out
11 of it, and afterwards they did pump water out of that
12 well down to this time, but I didn't say the amount.
13 What I mean to say, I didn't say they continued to pump
14 100 inches.

15 Q I understand your answer differently from what you
16 intended it then.

17 A Well, that is the way I intended it.

18 Q You don't know what amount they continued to pump?

19 A I don't know the amounts; it was a lesser amount.
20 I don't know what amount.

21 Q You simply say now they pumped some down to the
22 present time?

23 A Yes, sir.

24
25 By Mr. Britt: Q You said that you had not been a di-
26 rector of the San Antonio Water Company: At what time
27 did you become a director of the Ontario Power Company?

28 A It was in May, 1902.

29 Q That was after this stock had been acquired by the

1 San Antonio Water Company?

2 A At the same time.

3 Q And you had previously been the secretary of the San
4 Antonio Water Company?

5 A Yes, sir.

6 Q And were at that time?

7 A Yes, sir.

8 The Witness: Can I make a correction?

9 The Court: Certainly.

10 A This morning I made a statement as to Mr. Finkle mak-
11 ing a report, and I think that was understood as a re-
12 port being made before the purchas4of this stock of the
13 Ontario Power Company, and I find that that was a mistake.
14 That the time that Mr. Finkle made a report was when the
15 Water Company purchased that130 inches of water, and not
16 at the time they purchased the Power Company.

17 By the Court: Q Wasn't the 130 inches of water pur-
18 chased before the Power Company deal?

19 A Yes, sir, the 130 inches of water was purchased in
20 1899, and the Ontario Power Company's purchase was made
21 in 1902. And the Finkle report was previous to the pur-
22 chase of the 130 inches of water, and not previous to
23 the purchase of the Ontario Power Company. So that my
24 statement this morning would leade to the fact that it
25 was made before the purchase of the Ontario Power Company
26 and I wish to correct it.

27 Mr. Britt: Q You say that that report is lost?

28 A I don't know that it is lost. I was hunting the rec-
29 ords in the San Antonio Water Company's office, and I was

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1 unable to find it.

2 The Court: I understood the witness to say he didn't
3 know whether it was in writing or not, but he didn't
4 believe it was: Is that correct?

5 A Oh, I think it was in writing.

6 Mr. McKinley: Q Was Mr. Finkle consulted about that
7 purchase at all, the Ontario Power Company?

8 A I don't think Mr. Finkle was consulted at all at
9 that time.

10 Q Who was the consulting engineer at that time?

11 A A Mr. Sanders.

12 Q The report that you were referring to at that time
13 was a report in reference to the purchase of the Ontario
14 Power Company and that is the one that you meant that you
15 thought was not in writing?

16 A Yes.

17 Q The report of Mr. Finkle with regard to the purchase
18 of 130 inches from Stowell, and the Cucamonga Fruit Land
19 Company was in writing, as you remember it?

20 A That was in writing, I think without doubt.

21 Mr. Britt: Q Was the Sanders report in writing?

22 A I don't think Sanders made any report in writing. I
23 am quite sure he did not.

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1 ROBERT MANLEY.

2 Robert Manley, a witness called by defendants, being
3 first duly sworn, testified as follows:

4 Direct Examination.

5 By Mr. Jolliffe: Q Where do you reside?

6 A Ontario.

7 Q Do you have any employment or position with reference
8 to the San Antonio Water Company or the Ontario Power
9 Company?

10 A Yes, sir; the San Antonio Water Company.

11 Q What is that position?

12 A Superintendent of Construction.

13 Q I will ask you if you know anything about any water
14 being taken from the San Antonio Canyon or creek over to
15 the Cucamonga Creek, or wash, or that vicinity?

16 A Yes, sir.

17 Q Well, state about the extent to which water had been
18 taken over there from the creek or canyon.

19 Mr. Haskell: We object to that as irrelevant immaterial
20 and incompetent. As we understand the purport of it is to
21 show that flood waters of San Antonio Creek have been de-
22 livered and turned into Cucamonga Creek.

23 Mr. Jolliffe: That is the purpose, and also to show that
24 the basin which supplied the wells and the tunnel is
25 fed by a supply of water which we have put in there from
26 San Antonio Creek when we do not need it for irrigation,
27 and that it is stored there. We shall claim that it is
28 part of the waters which we are taking.

29 The Court: You claim it was done by artificial means?

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 the necessary funds to carry out its
 policy of non-interference in the
 internal affairs of the country.
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 policy of non-interference in the
 internal affairs of the country.

1 Mr. Gregg: Yes, sir.

2 Mr. Haskell: We object to that as incompetent,
3 irrelevant and immaterial. That while there may be some
4 law permitting persons under some conditions to turn water
5 into natural channels, and again take it out, that there
6 is no precedent, and can be no precedent, which says that
7 they can turn flood waters from one flood channel to an-
8 other flood channel, and have it sink by percolation,
9 and then reclaim it. They must first admit that every
10 plaintiff here is entitled to the full amount of water
11 that he ever claimed or used from the stream, and they
12 are only entitled to such surplus as may be there. They
13 are not entitled to take an inch of water out of that ba-
14 sin.

15 The Court: I am inclined to think your view is correct.
16 Your complaint is that the defendants are taking water
17 that belongs to you from the Cucamonga spring. Now if
18 they can show that it is water that does not belong to
19 you, they should be permitted to do so.

20 Mr. Britt: You may put water into the channel of a sur-
21 face stream and reclaim it. You know there the quantity
22 you put in, and you know the same quantity is taken out,
23 and you can trace it from the place of deposit to the
24 place of reclamation. But it is entirely a different
25 matter when you put water on to the earth and it seeps
26 and percolates into the ground and disappears from sight.
27 That problem, I suppose the courts will not undertake
28 the duty of unravelling and solving. Water turned into
29 the ground, one would think, would belong to the owner of

1. The first of these is the fact that the world is not a uniform whole, but a collection of many different parts, each of which has its own characteristics and its own laws. This is the principle of diversity, and it is the basis of all knowledge and science. We must study each part of the world as it is, and not try to force it into a preconceived scheme or theory.

2. The second of these is the fact that the world is not a static whole, but a dynamic whole, which is constantly changing and developing. This is the principle of evolution, and it is the basis of all progress and improvement. We must study the world as it is, and not try to freeze it in a fixed state.

3. The third of these is the fact that the world is not a chaotic whole, but a whole which is governed by certain laws and principles. This is the principle of order, and it is the basis of all civilization and culture. We must study the world as it is, and not try to deny the existence of these laws and principles.

4. The fourth of these is the fact that the world is not a selfish whole, but a whole which is governed by certain moral principles and laws. This is the principle of morality, and it is the basis of all human conduct and action. We must study the world as it is, and not try to ignore these moral principles and laws.

5. The fifth of these is the fact that the world is not a separate whole, but a whole which is connected with other worlds and universes. This is the principle of unity, and it is the basis of all religion and philosophy. We must study the world as it is, and not try to isolate it from the rest of the universe.

6. The sixth of these is the fact that the world is not a whole which is governed by a single power or authority, but a whole which is governed by many different powers and authorities. This is the principle of democracy, and it is the basis of all human freedom and rights. We must study the world as it is, and not try to impose a single power or authority on it.

7. The seventh of these is the fact that the world is not a whole which is governed by a single set of values or standards, but a whole which is governed by many different sets of values and standards. This is the principle of tolerance, and it is the basis of all human understanding and respect. We must study the world as it is, and not try to impose a single set of values or standards on it.

8. The eighth of these is the fact that the world is not a whole which is governed by a single set of rules or laws, but a whole which is governed by many different sets of rules and laws. This is the principle of justice, and it is the basis of all human fairness and equity. We must study the world as it is, and not try to impose a single set of rules or laws on it.

9. The ninth of these is the fact that the world is not a whole which is governed by a single set of goals or purposes, but a whole which is governed by many different sets of goals and purposes. This is the principle of pluralism, and it is the basis of all human diversity and richness. We must study the world as it is, and not try to impose a single set of goals or purposes on it.

10. The tenth of these is the fact that the world is not a whole which is governed by a single set of values, rules, goals, or purposes, but a whole which is governed by many different sets of values, rules, goals, and purposes. This is the principle of complexity, and it is the basis of all human richness and depth. We must study the world as it is, and not try to simplify it or reduce it to a single set of values, rules, goals, or purposes.

1 the soil; at least the use of it there, and that it was
2 entirely lost to the person who makes the deposit. It
3 is not like putting it into a stream where you can see
4 what becomes of it. On a debris cone such as at the mouth
5 of Cucamonga stream, water turned on there cannot be in
6 the nature of things traced. It cannot be known where it
7 goes. At any rate, where it is sunk into the ground out
8 of sight we maintain that it is so far dedicated to the
9 purposes of the individuals to whom it would eventually
10 come in ordinary course of percolation, that there can
11 be no right of reclamation on the part of the person who
12 made the deposit. Then if there is no right of reclama-
13 tion this testimony is entirely irrelevant and imaterial.

14 Mr. McKinley: We are willing to stipulate with counsel
15 that where it is underground, where no one can see it,
16 that no one can tell anything about it; but the entire
17 theory of plaintiffs is quite contrary to that. They are
18 going on the theory that water can be traced ~~maxthexground~~
19 underground. As far as this testimony is concerned, it
20 does not go to the extent of reclaiming that water some-
21 where else. If we can show that ~~the~~ we turned it over
22 there, and are able to do something in the direction of
23 tracing water which plaintiffs rely upon as such an easy
24 thing to do, we will expect to show that by the depositing
25 of the water there we have poured it out on our own ground,
26 and in that case we certainly have the right to take it out.
27 In the next place, it is material for the purpose of showe
28 ing all the changes in the conditions there, as shown by
29 the measurements and so on, and accounting for the dif-

1 ference of measurements and the products of streams at dif-
2 ferent places. We say for both reasons the evidence is
3 material and relevant.

4 Mr. Britt: The plaintiffs join in the objection made by
5 the intervenors.

6 The Court: I am inclined to think that the evidence is
7 admissible; much that has been said is addressed to the
8 weight rather than the admissibility of the evidence. The
9 difficulty of tracing water underground is ever present in
10 all these water-suits. That is what we have these experts
11 for, to see where ordinary people can't see, and give us
12 the benefit of their knowledge and experience. But there
13 is one element suggested in the case that seems to me to make
14 this evidence admissible: as I understand the general theory
15 of the plaintiffs, it is that there was formerly wonted to
16 flow in the Cucamonga stream, and out of the Cucamonga Springs
17 a large quantity of water, which has ceased to flow. The
18 contention of the plaintiffs is that the defendants have
19 taken that water, and for that reason it ceases to flow.
20 I don't know what the case is going to develop, but supposing
21 it should appear that these defendants are turning into
22 that channel or system of channels, such a large body of
23 water, as would more than offset any claim that you make there
24 it would tend to establish the theory that the water went
25 in some other direction; because if I understand your theory
26 here you practically concede and contend that the original
27 source of all this water supply of Cucamonga Springs and the
28 Red hill, is from the Cucamonga Canyon.

29 Mr. Britt: We think so.

1 The Court: Now, it seems to me that there might be a
2 practical demonstration,- if they turned in what ordinarily
3 would supply according to your theory the Cucamonga Springs,
4 and the Cucamonga Stream, or four or five times amount of
5 water, we will say, which has ever been taken away from
6 there, and yet the supply has decreased constantly, it seems
7 to me that some other theory must be looked for to account
8 for that condition. My idea of the matter is to let the
9 evidence in, and thresh out these theories afterwards.

10 The objection is overruled.

11 Mr. Britt: Exception.

12 Mr. Haskell: Exception.

13
14 It is stipulated that any objection or exception, made
15 and taken, on behalf of any of the plaintiffs, or on behalf
16 of the intervenor, shall inure to the benefit, and be deemed
17 to be taken by all of the plaintiffs, and by the intervenor;
18 and that all objections and exceptions, made or taken by
19 any of the defendants, shall be deemed to inure to the benefit
20 of all the defendants, or any defendant which may avail
21 itself thereof.

22
23 A Well, for several years past we have turned considerable
24 water from the pipe lines on Euclid Avenue, and turned it out
25 through what we call the 19th street ditch, out into the
26 first wash.

27 Q Can you give an idea of the amount of water which was
28 taken that way?

29 A It would be from 200 inches up.

Q 200 inches would be the minimum?

A Yes, sir.

Q About what would you say to be the maximum?

A Possibly 300.

Q How long continued was that diversion during each season?

Mr. Waters: Objected to as suggestive and leading.

A Just as long as we could spare the water from the irrigation.

Mr. Waters: We will take a ruling upon that objection.

The Court: Overruled.

Mr. Waters: Exception.

Mr. Joliffe: Now, answer the question.

A Just as long as we could spare the water from irrigation.

The Court, Q I wish you would explain more in detail, and explain on the map, just where this water was turned into the wash that you speak of.

Mr. Joliffe, Q On this map of Ontario Colony lands, can you explain where the water was turned from the pipe line of the ~~San Antonio Water Company~~ San Antonio Water Company, and thence in a ditch or pipe line, or whatever sort of a conduit it was to the eastward to the Cucamonga wash.

A From the main pipe lines from the canyon, down through the main lines on the Avenue, and thence turned out into the gutters, and then through a ditch, at 19th street, to the first wash.

Q Can you identify where that main pipe line is that you are speaking of?

A It comes from about the end of this tunnel.

Q Above section 24 as indicated on the map?

Q Above section 24 as indicated on the map?

A It comes from about the end of this tunnel.

are speaking of?

Q Can you identify where that main pipe line is that you

first saw?

Witness, and then through a ditch, at least across, to the

the main line on the Avenue, and thence turned out into the

A From the main pipe line from the canyon, down through

was to the eastward to the Occochee wash.

in a ditch or pipe line, or whatever sort of a conduit it

of the ~~San Antonio Water Company~~, and ~~San Antonio~~

you explain where the water was turned from the pipe line

Mr. Joffe, Q On this map of Occochee Canyon lands, can

would you speak of.

explain on the map, just where this water was turned into the

The Court, Q I wish you would explain more in detail, and

A Just as far as we could spare the water from Occochee.

Mr. Joffe: Now, answer the question.

Mr. Waters: Excuse me.

The Court: Excuse me.

Mr. Waters: We will take a ruling upon that objection.

Excuse me.

A Just as far as we could spare the water from Occochee.

Mr. Waters: Objection is as responsive and I submit.

the Court: Objection is as responsive and I submit.

A Possibly 500.

Q About what would you say as to the headway?

A Yes, sir.

Q How much water is the minimum?

1 A Yes, sir; it is in section 24.

2 Q Whereabouts do you take the water out, on section 24,
3 after you make the diversion?

4 A We bring it along here, and over through our mesa lines,
5 and down through into the Avenue.

6 Q Is that the Avenue there, through sections 30 and 31?

7 A Yes, sir.

8 Q Euclid Avenue?

9 A Yes, sir.

10 Q Where do you turn the water out of that pipe line?

11 A Through different places.

12 Q All on Euclid Avenue?

13 A Yes, sir.

14 Q Are any of them as high up as section 19?

15 A In below 24 there.

16 Q 24th street?

17 A 24th and south.

18 Q And above what street?

19 A 19th is the last turnout.

20 Q Are there lateral pipe lines leading from the main pipe
21 line on the Avenue, through which you turn the water out, or
22 do you turn it out on the Avenue?

23 A Into the gutters; we have openings made on purpose for it.

24 Q On the Avenue?

25 A Yes, sir.

26 Q And the slope of the ground is such that the water would
27 flow toward Cucamonga wash?

28 A It comes down through the Avenue as far as 19th, and out a
29

big ditch constructed for the purpose of carrying off the storm waters.

Q How far does that extend?

A At that time to this first wash; since then we have constructed the ditch further on.

Q Then as I understand you, this water which you have been testifying about and which you say you turned into the wash, was all first taken from San Antonio Canyon, into your distributing system?

A Yes, sir.

Mr. Joliffe, Q For how many years has this diversion been continued, or about how many, as far as you know?

A I don't remember; several years.

Q I will ask you whether or not during the past year there has been any increase in the capacity of the pipes leading to that 19th street cutoff, and whether or not there has been a larger quantity of water taken this year to that vicinity from the San Antonio Creek?

A Taken this year?

Q Yes, the present year, and 1908?

A Beg pardon.

Q During the winter of 1908 and 1909?

A Yes, sir; we put in a large pipe in the canyon, or from the canyon, down into our system, to carry 1500 inches more water.

Q And about what is the extent of the diversion which has been made this year?

A Oh, not more than ~~more~~ a good hundred inches. I suppose, for the reason that the gutter was washed out, and

1 we are waiting now to repair it, but we continued the ditch
2 out 19th street, for about 2500 feet, across two or three
3 more washes.

4 Q Can you indicate on this map, which is defendants' Ex-
5 hibit D, the end of that ditch which you have named?

6 A It doesn't show in that there; it is about a mile east -
7 the end of the ditch.

8 Q A mile east of what?

9 A East of Euclid Avenue.

10 Q Now, I will ask you if you know anything about any
11 spreading of the flood waters of Cucamonga Canyon, above the
12 16th street wells, in recent years?

13 A Yes, sir; I have had men spreading water on them, on
14 the washes.

15 Q Well, now, state just when that was commenced, if you
16 are able to?

17 A The earliest record I have is in April, 1903; I was then
18 told to send a man out to distribute what little water there
19 was running down past 16th street.

20 Q Well, did you in fact distribute that water or cause it
21 to be done?

22 A I did.

23 Q Now, state just what you did, or caused to be done, from
24 that time on, with reference to the storm water in the
25 Cucamonga wash?

26 A Whenever there was a storm and the water passed down by
27 the wells, or through the Cucamonga wash, past 16th Street,
28 I had orders to send men into the canyon, and distribute it
29 through the gravels to keep it from going as far as 16th,

1 and I did so; I had men, and I have been there myself
2 several times.

3 Q Are you able to point out on the map about the locality
4 where this distribution was made, this map marked "Defendants'
5 Exhibit D"? There is 19th street running there?

6 A All up through this wash.

7 Q From what point?

8 A From 19th street up; from 19th street north.

9 Q How far north?

10 A Clear into the canyon; clear up to above what we call
11 26th street.

12 Q Was there any distribution made south of 19th street?

13 A Yes, sir; when there was lots of water running across
14 19th and we couldn't control it above, we put men below to
15 distribute the water.

16 Q How far below have you made any distribution?

17 A Below 19th?

18 Q Yes?

19 A Not far.

20 Q Well, as far as 18th street?

21 A Possibly. I worked down into the good gravels; wherever
22 we saw a good place we turned out water.

23 The Court, Q I suppose your general purpose was to prevent
24 the flood water running off altogether on the surface?

25 A Yes, sir.

26 Mr. Joliffe, Q I will ask you if you know what the condi-
27 tion of that Cucamonga wash or creek was at times of flood,
28 with reference to running on down past 16th street, and still
29 further south, at times of flood water, prior to the distri-

1 bution.

2 A Large quantities of water would run past 16th street,
3 in the Cucamonga wash.

4 Q Where would it go to?

5 A I don't know; it went away south.

6 Q I will ask you how far south you have seen it running?

7 A At Tenth street; that is the furthest south I have seen
8 it; I never had occasion to go below that.

9 Q Do you know anything about any shafts having been sunk in
10 the Cucamonga wash, up near where it debouches from the
11 mountains?

12 A I know of a shaft there; but it was not done under my
13 direction; it was not sunk under my direction.

14 Q You know the fact that it was there?

15 A Yes, sir.

16 Q What do you know about waters having been turned into
17 that shaft in time of floods?

18 A Well, we have turned in quantities of water there at
19 different times.

20 Q About how much?

21 A 50 inches, about.

22 Q And for how long a time?

23 A Oh, just as long as we could keep the water up at that
24 point.

25 The Court, Q Where is this shaft you are speaking of? I
26 don't know as I understand you quite.

27 A It was a little above 26th street, pretty well up into
28 the mouth of the canyon.

29 Q What is this shaft? One that is simply abandoned?

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1 A Yes, sir.

2 Q No well there?

3 A No.

4 Q How deep is it about?

5 A I couldn't tell you; It was partially full of water
6 every time I have seen it.

7 Q Is it quite a deep shaft?

8 A Yes, sir; it seems to be quite a shaft.

9 Q Approximately 10 or 15 or 20 feet?

10 A Well, it must be 50; I am not sure about that though.
11 I said it may be 50. I didn't say it must be. It was my
12 mistake.

13 CROSS EXAMINATION.

14 Mr. Britt, Q How long have you been in the employ of the San
15 Antonio Water Company?

16 A About 13 years.

17 Q You say you were Superintendent of construction?

18 A I am now; yes, sir.

19 Q Are you also in the employ of the Ontario Power Company?

20 A Well, I do a good deal of their work when necessary. Look
21 after a good deal of their work.

22 Q You spoke about receiving orders for this, that, or
23 the other work: From whom did you receive your instructions?

24 A From the General Manager.

25 Q Who is that?

26 A W. T. Leake.

27 Q Do you know whether he was acting as general manager of
28 the San Antonio Water Company or the Ontario Power Company?

29 A As I understood it he was acting for both.

Q You spoke about a record, the earliest record you have.

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1 Q You spoke about a record, the earliest record you have
2 of spreading out the water of the Cucamonga Stream, being
3 in April, 1903?

4 A Yes, sir.

5 Q What sort of a record is that?

6 A It is a record of the time of the men that I have under me.
7 I know just where they are working and I put it down every
8 night.

9 Q Had any work of that nature ever been done before?

10 A Not by me. Possibly by the zanjeros.

11 Q Have you that record with you?

12 A Yes, sir.

13 Q Let us see it if you please. That is under date, April
14 20, 1903, and the entry is T. Henry, Diverting Cucamonga
15 Creek, \$2.50" and that is what you refer to is it?

16 A Yes, sir.

17 Q Is that the only entry made that season?

18 A No, sir; there are several right along there in the book.

19 Q Where are the others? Probably you can find them much
20 quicker than I can.

21 A There is the same entry there, the same man; this is just
22 a record of men's time that I hunted up where this thing
23 started, but it is quite a job to find out every one.

24 Q Well, let us see how much work was done of that nature.
25 That is what we want to get at; we are less interested in the
26 precise dates or amounts paid than we are in ascertaining the
27 amount of work that was done for that purpose.

28 A I find on the 21st, man diverting creek.

29 Q Do you find how much time he spent that day for that

1. The first of these is the fact that the world is not a uniform whole, but is divided into many different parts, each of which has its own characteristics and its own laws. This is the principle of diversity.

2. The second is the fact that the world is not a static whole, but is constantly changing and developing. This is the principle of evolution.

3. The third is the fact that the world is not a chaotic whole, but is governed by certain laws and principles. This is the principle of order.

4. The fourth is the fact that the world is not a separate whole, but is connected with other worlds and universes. This is the principle of unity.

5. The fifth is the fact that the world is not a simple whole, but is composed of many different elements and forces. This is the principle of complexity.

6. The sixth is the fact that the world is not a perfect whole, but is full of imperfections and flaws. This is the principle of imperfection.

7. The seventh is the fact that the world is not a complete whole, but is always incomplete and unfinished. This is the principle of incompleteness.

8. The eighth is the fact that the world is not a certain whole, but is always uncertain and doubtful. This is the principle of uncertainty.

9. The ninth is the fact that the world is not a fixed whole, but is always changing and shifting. This is the principle of flux.

10. The tenth is the fact that the world is not a single whole, but is always multiple and manifold. This is the principle of multiplicity.

1 purpose?

2 A All day.

3 On the 25rd, I find, Diverted Cucamonga Creek.

4 Q How much?

5 A Five hours. On May first, 1903, all day, \$2.50.

6 May 2, 1903, \$2.50, the same man. that is evidently the
7 last of that season; I am running into May now.

8 Q Now how many men were empl yed? Just one?

9 A Just one; that is all I sent there; I went myself some-
10 time; I don't know just how long I was there; off and on,
11 probably half the time he was there.

12 Q Did he work at the same place every day?

13 A No; spreading the water different places.

14 The Court, Q Just what method was pursued in this spreading
15 of water?

16 A To keep the streams, to keep the water from running away
17 in too large a stream.

18 Q How would he work in doing that?

19 A Built up little dams and turned the water back into
20 the larger beds of gravel.

21 Q If you found the water running through in a stream on
22 the surface, you dammed it up and turned it aside?

23 A Yes, sir; turned it aside, where it would spread out into
24 the wider gravel.

25 Mr. Britt, Q On April 20, this man Henry worked one day,
26 \$2.50?

27 A Yes, sir.

28 Q Now on April 21 it seems that he worked again?

29 A I think he worked on the 20th and 21st.

1 Q Now on the 21st did he work at the same place that he
2 worked on the 20th?

3 A No, he probably moved to another place.

4 Q Did he divert the same stream?

5 A The same water; yes, sir.

6 Q He moved it down then did he or moved it up?

7 A Either down or up, just to spread it around to keep it
8 from flowing away.

9 Q Where did he prosecute that enterprise? How far from the
10 mouth of the Canyon? Do you remember anything about that?

11 A I couldn't tell you just how far; it was all the way
12 from 19th street, almost to the mouth of the Canyon.

13 Q Why did he have to work on it again so soon after the
14 20th, or the 21st. In a few days he was working at it
15 again. Why did he return to it so quickly? Do you know?

16 A Because some of the dams may have been washed out; and
17 again if I sent a man to stop the water from flowing over
18 16th street, and he worked for a week, and the water still
19 continued - -

20 Q When was that?

21 A In 1903.

22 Q What time?

23 A In April.

24 Q You don't seem to have any entry of it there. You didn't
25 read it.

26 A I don't think I understand you; I think I read this
27 plain enough.

28 Q You read about four or five different days and you said
29 there was one man?

1 The first thing I did was to go to the bank and

2 get some money.

3 Then I went to the post office and

4 sent a letter to my mother.

5 After that I went to the library and

6 borrowed some books.

7 I also went to the gym and

8 did some exercises.

9 Then I went to the cinema and

10 saw a very interesting film.

11 I also went to the park and

12 played with my friends.

13 In the evening I went to the

14 dance and had a very good time.

15 Finally, I went to bed and

16 fell asleep very early.

17 The next day I went to the

18 office and worked for a few hours.

19 I also went to the bank and

20 got some more money.

21 Then I went to the post office and

22 sent a letter to my father.

23 After that I went to the library and

24 borrowed some more books.

25 I also went to the gym and

26 did some exercises.

27 Then I went to the cinema and

28 saw a very interesting film.

29 I also went to the park and

30 played with my friends.

1 A Yes, sir.

2 Q Who worked spreading out, or diverting, I think your
3 entry is, Cucamonga Creek?

4 A Yes, sir.

5 Q Do you say the stream was diverted twice, and at a dif-
6 ferent place?

7 A Just wherever there was a large stream of water we would
8 try to make it smaller.

9 The Court: I am not sure but what you gentlemen misunderstand
10 each other. Did you say a man had worked for a week or if - -

11 A No, Judge; I said if a man worked there for a week, and the
12 water still ran past 16th street, I would send him back again.

13 Mr. Britt: Well, I misunderstood him: I thought he said a
14 man did work there for a week.

15 Mr. Britt, Q Well, the creek that came down from the
16 Canyon was not running much of a stream at that time of the
17 year was it?

18 A No; otherwise I would have had more men out; one man was
19 able to control it.

20 The Court, Q Do you mean to say that one man was able to
21 prevent any water from running down on the surface?

22 A Yes, sir.

23 Mr. Britt, Q All of that, if it had been running on the sur-
24 face, at that season of the year, would have sunk into the
25 ground before it got down to the Base Line wouldn't it?

26 A Do you mean 16th street?

27 Q 16th Street is a little above Base Line isn't it?

28 Mr. Joliffe: The same thing.

29 Q Yes, sir; down to 16th street?

1 A Our object was to keep it from passing 16th street;
2 that is the reason the man was there.

3 Q You didn't want it to come down to 16th street?

4 A Didn't want it to pass 16th street.

5 Q At the time this man commenced to work on the 20th of
6 April, was the water running down as far as 16th street?

7 A Yes, sir; it must have been; otherwise the man would
8 not have been there.

9 Q Do you know whether it was or not?

10 A Yes, sir; it was.

11 Q Did you see it?

12 A No - yes, I did see it; I passed over it.

13 Q Where did you pass over it?

14 A At 16th street on the way to the wells.

15 Q What wells?

16 A Our wells at 16th Street.

17 Q You passed over the water as it crossed 16th street?

18 A As it crossed 16th street.

19 Q How much of it was crossing 16th street?

20 A I couldn't tell you.

21 Q Was it a little stream or a big stream?

22 A Oh, possibly 150 to 200 inches; may have been 100 inches.

23 It was quite a little stream.

24 Q What was it flowing in? In the channel of the creek?

25 A Yes, sir.

26 Q Flowing down toward the winery?

27 A Yes, flowing that way.

28 Q Did you pursue that stream down in the direction of the
29 winery, to see how far it proceeded before it sank into the

1 ground?

2 A No, sir.

3 Q This man then, Henry his name was, he did all of that work

4 A For that season; yes, sir.

5 Q Where is he now, do you know?

6 A In Ontario.

7 Q What is he doing? Is he in your employ? In the employ of
8 the San Antonio Water Company?

9 A No, sir.

10 Q On those days that you mentioned, did he put in his time
11 all day, each time that you have an entry made of wages paid
12 him on this particular work, or was he doing something else
13 for the company?

14 A He was doing that particular work.

15 Q What is the next entry you have of similar work done
16 the next season?

17 A That would be a hard thing to find; I don't see anything
18 in the next year; possibly there was no water, but I have other
19 books that I have more entries in.

20 Q Let us see when it was done the next time? After a few
21 days in April and May 1903.

22 A I have an entry here; I don't know whether it is the
23 first or no on February 20th.

24 Q What year?

25 A 1905. T. Henry and a man named Woodhead in canyon
26 distributing water.

27 Q That is the first you find?

28 A That is the first I find; may be by hunting back I can
29 find more; on February 16th I find another; Woodhead, \$2.50.

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1. I have no copy left of the 1st edition of the 1st volume.

4. There is the time I find out the bad habits I am

February 3rd and February 4th, two men.

Q All right; proceed; give us all that you find on that subject?

A That is a mistake; on February 4th, there was 1, 2, 3, 4, 5,- 6 men. On February 5th, there was two men - no - same number of men,- six men.

Q Well, anything else you find during that season?

A By looking over the book I will probably find several places; every time it run we would send men into the canyon to distribute the water. February 16th, one man, \$2.50; February 18th, two men; February 20th, two men; March 9th, four men; March 13th, one man; March 14th, one man; March 18th one man; March 20th, one man; March 21st, one man; March 22, one man.

Q Any more that season?

A Possibly; I am just at April now. May 5th, one man; May 6th, one man; May 7th, one man; May 8th, one man; May 9th, one man; May 10th, one man; May 11th, one man. I am away into June. I suppose there is no more that season.

Q That is all there was for the season of 1904-1905?

A 1904.

Q No, that was 1905.

A 1905; excuse me.

Q Wherever you say one man on a certain date, do you mean that there was a day's work, by one man on that day in that place?

A Yes, sir.

Q Where there were more men that means that many more additional days work?

Y. Chen et al.

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

[illegible]

1 A Yes, sir.

2 Q Your record shows payment of wages to as many men as
3 you mention on each particular date for those purposes?

4 A Yes, sir; of those men under my employ; yes, sir.

5 Q Where was this work carried on? How far above 18th street
6 or the Base Line road?

7 A At different point, all the way along the channel.

8 Q Well, all the way along the channel how far?

9 A All the way from - possibly about 18th, to the mouth of
10 Cucamonga Canyon, - a little south of the mouth of Cucamonga
11 Canyon.

12 Q From 18th street as the southern limit, up to the
13 mouth of the canyon as the northern limit?

14 A I am not so sure about 18th, - the men might have come
15 down a little lower than 18th street.

16 Q How far is 18th street from 16th street?

17 A A half a mile.

18 Q The streets are a quarter of a mile apart?

19 A Yes, sir.

20 Q The Court asked you about the plan of procedure in divert-
21 ing the water, but I didn't get it quite clearly: What was
22 the mode of operation in taking the water out. What sort of
23 tools did you employ?

24 A Shovels and picks.

25 Q And what did you do with the tools?

26 A Built little dams to stop the water.

27 Q What sort of dams? Put in some cobbles or boulders?

28 A Anything to stop the water.

29 Q And then what next?

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1 A Then distribute it through the gravels.

2 Q And how did you distribute it through the gravels?

3 A As the water would raise against the dam that we would
4 put in why it would flow out over a different part of the
5 gravels.

6 Q Did you dig any lateral ditches, canals or trenches?

7 A Yes, sir.

8 Q What kind and how many?

9 A Probably two or three hundred a day, when the men were
10 there.

11 Q How far from the creek?

12 A The length of the channel do you mean?

13 Q Yes, sir, the stream, from each side?

14 A It might be a foot, or half a dozen feet, or a dozen
15 feet, or 20 feet.

16 Q That is what you call canals or ditches?

17 A Well, hardly. Channels.

18 Q And sometimes you put in this rock dam and left it there
19 without any channel did you extending laterally from the
20 creek, merely to dam the water up in a particular place so
21 that it would run slower?

22 A We would dam it to run it over the gravels; as it would
23 raise it would run in different gravel, and take different
24 channels.

25 Q Then the object of this damming and this little excava-
26 tion that was made was to widen the channel at those places,
27 was it?

28 A No, it wasn't to widen the channel; it was to distribute
29 the water through the gravels, to stop the water from going

4. The following is a list of the names of the persons

5. who have been appointed to the various committees

6. of the Board of Directors, and of the members of the

7. various committees, and of the members of the

8. various committees, and of the members of the

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36. various committees, and of the members of the

37. various committees, and of the members of the

38. various committees, and of the members of the

1 down past our wells.

2 Q You expected to accomplish that object by widening the
3 channel some?

4 A Yes, you might call it widening it out some.

5 Q From one foot to ten feet wider?

6 A The whole channel.

7 Q I understood you to say you made your lateral trenches or
8 ditches from one to ten feet in length?

9 A Yes, sir; but sometimes by making a channel a foot or
10 two feet long the water would run for two or three hundred
11 feet; it would merely give it an opening into another piece
12 of gravel.

13 Q Now, I notice on March 16th, you had a man or men at work
14 and on the 20th you had a man or men at work: Did these dams
15 or obstructions that you put into the channel of the creek
16 wash out so that you had to go over the ground again?

17 A Some of them, yes; if it rained during the night ~~it~~ they
18 would invariably wash out.

19 Q So that with every rain it was necessary to go to work
20 again?

21 A Yes, sir.

22 Q Well, if there was a heavy storm, and a considerable fall
23 of rain coming down from Cacamonga Creek, I suppose they all
24 washed out?

25 A Yes, sir.

26 Q If there was a large volume of water coming down the creek
27 it was impossible to control it I suppose?

28 A For the time being; yes, sir.

29 Q That creek spreads out into a number of different channels

1. When you are called.

2. The question is answered that which is asked by the

3. answerer.

4. The answerer is called the answerer.

5. When you are called.

6. The answerer is called.

7. I answered you for the first time, because you

8. asked me to answer you.

9. I did not answer you until you asked me to.

10. The first time I answered you was the first time I

11. answered you.

12. The first time I answered you was the first time I

13. answered you.

14. The first time I answered you was the first time I

15. answered you.

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28. The first time I answered you was the first time I

29. answered you.

30. The first time I answered you was the first time I

1 over the debris cone, doesn't it, below the mouth of the
2 canyon?

3 A Yes, sir; after it gets down a certain distance.

4 Q About what distance below the mouth of the canyon does
5 it begin to fork out, open out into a delta?

6 A I couldn't tell you; I don't know.

7 Q Do you know how far above 18th street?

8 A It must be quite a distance above 18th Street.

9 Q Probably two miles or so or a mile and a half?

10 A A mile may be.

11 Q There is one of those channels that runs a long way to
12 the west, about half way to Ontario, from the Eddie tunnel
13 doesn't it?

14 A One of the channels?

15 Q Yes, one of the channels, into which the Cucamonga Creek
16 spreads out?

17 A I don't know; I never saw it.

18 Q Now, these operations that you were carrying on, were they
19 in one of the channels, or more than one or all of them? That
20 is the operations of obstructing the flow of the water, and
21 spreading it out as you say in the gravel?

22 A In all the channels, wherever there was what we thought
23 too much water.

24 Q Did you carry on that work, only when the water flowed
25 below 16th street, or did you carry on the same character of
26 work when it was flowing anywhere above 16th street?

27 A Well, we didn't know just what time it would stop at
28 16th street.

29 Q Your object, however, was to prevent it going down as

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[illegible]

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below foot of road

1 far as 16th street?

2 A Yes, sir.

3 Q You have mentioned a number of men employed at dif-
4 ferent times in 1905, from sometime in February, until some-
5 time in May,- different days: Were those men all employed
6 in diverting water, from the Cucamonga Creek, or spreading
7 out water in the Cucamonga Creek, or were some of them employ-
8 ed on some stream in the San Antonio Canyon?

9 A Those that I have mentioned were employed in the
10 Cucamonga Creek.

11 Q Nowhere else?

12 A Not those men; not those items that I read you.

13 Q Were you doing any work in San Antonio Creek?

14 A Yes, sir; we had a couple of men up there sometimes
15 during a storm.

16 Q Who determined when this spreading of the channel in the
17 Cucamonga Creek should be done? You or Mr. Leake?

18 A Mr. Leake; I received my orders from Mr. Leake.

19 Q These men who were doing the work, were they men regularly
20 in the employ of the company, regularly in the Employ of the
21 San Antonio Water Company or the Ontario Power Company?

22 A They were regularly employed by the San Antonio Water
23 Company.

24 Q When they went up there they were not new men taken on
25 for that special purpose, but were part of the regular force?

26 A Not always.

27 Q Usually?

28 A Usually we took our regular men and sent them up there.

29 Q What were your directions from Mr. Leake as to the limits

Can we talk about it?

A. Yes, sir.

B. The first condition is that we must not be ill-

literate. I am in the habit of saying that the first

thing in life is to be able to read and write.

It is necessary to be able to read and write, and

not to be illiterate. I am in the habit of saying that

the first thing in life is to be able to read and

write. I am in the habit of saying that the first

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1 within which you were to work up and down the channel,
2 down as far as 18th Street south, and the north to the
3 mouth of the Canyon?

4 A Mr. Leake's orders, as near as I can remember, was to
5 keep it as far above 16th street as possible; keep it
6 above 19th street if possible, keep the water above; but I
7 have always tried to keep it above the 16th street wells.

8 Q That is above the 16th street wells?

9 A Above the 16th street wells; it is just above 16th street.

10 Q Was any of that sort of work done in 1906, in the Cucamonga
11 Creek?

12 A I don't remember; whenever there was any high water I had
13 men in the canyon, but I can't tell you just what the dates
14 are unless I look it up.

15 Q Well, look at your book, and see whether you have any
16 entries in the season of 1905-1906?

17 A I find on March 14th, 1906,- 1, 2, 3, 4, 5, men in
18 Cucamonga Canyon; I don't know whether there was any before
19 that or no; it was evidently right after a storm; there was
20 certainly some after it.

21 Q Well, Mr. Manley, you might, without taking up the time
22 of the Court in this matter, consult your books, probably,
23 out of court, and make a memorandum of the several days,
24 the number of men employed for this purpose, in the season
25 of 1905-1906, and 1906-1907, and 1907-1908.

26 Mr. Britt: He might make his memorandum and send it in
27 here, and we would not require him to appear again, unless
28 for some special reason we would want to cross-examine him.

29 Q Now, about this taking of water from the San Antonio

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1 Creek: Did you have charge of that process, that business?

2 A Taking it from the San Antonio Creek and turning it over-

3 Q Yes, sir?

4 A No, sir.

5 Q Who did?

6 A The zanjero.

7 Q When was that done first?

8 A That I couldn't tell you. I have seen it for a number of
9 years.

10 Q Is there any way of ascertaining when that was done first
11 by reference to any record kept by your zanjeros, the zanje-
12 ros of the San Antonio Water Company?

13 A Possibly the zanjeros will remember; I don't know anything
14 about their records.

15 Q You are unable to state yourself?

16 A I couldn't do it.

17 Q I think you said that there was two or three hundred
18 inches sometimes taken over in that way?

19 A Yes, sir; a large quantity.

20 Q That was only in time of storm?

21 A No, it is right along.

22 Q You stated to the Court that that was taken from the San
23 Antonio tunnel or Canyon, and turned out where? At 19th
24 street?

25 A It was turned out at three or four different points; one
26 at 22nd street I remember, and one at 19th street. There may
27 have been others but I can't place them.

28 Q It was turned into a gutter there?

29 A Turned into a big ditch there, and turned out from the

1 pipe lines into the Euclid Avenue gutters. ; and thence
2 through the 19th street ditch, a ditch constructed to carry
3 storm water.

4 Q And the water in the 19th street ditch flows in which
5 direction?

6 A Flows east.

7 Q Now, you notice that this map here, Defendants' Exhibit
8 D, shows apparently only one Cucamonga wash: There are several
9 washes aren't there?

10 A Several small washes down through there.

11 Q Further west than what is delineated on the map Exhibit D

12 A Yes.

13 Q That water only reached the first wash, if it reached
14 any washes at all?

15 A It reached the first wash.

16 Q Where is that first wash situated on 19th street? Where
17 does it cross 19th street?

18 A About half or three quarters of a mile east.

19 Q East of what?

20 A East of 19th.

21 Mr. Joliffe, Q East of Euclid Avenue?

22 A East of Euclid Avenue.

23 Q Has all the water that you have turned out in the manner
24 you have described there, gone through that 19th street
25 gutter or ditch?

26 A At those times; yes.

27 Q That which is turned out at 22nd Street comes down one
28 of the north and south streets, and joins that which is
29 turned out at 19th street?

Five lines into the Pacific Avenue system; and then
through the 17th street ditch, a ditch containing
about water.

Q And the water in the 17th street ditch flows in which
direction?

A From west.

Q Now, you notice that this map here, 'Gatun Canal',
D, shows apparently only one Chocoma wash: There are several
washes near there?

A Several small washes down through there.

Q Further west than what is delineated on the map, 17th-
A Yes.

Q That water only reached the first wash, it is common
any washes at all?

A It reached the first wash.

Q Where is that first wash situated on the map? Where
does it cross 17th street?

A About half or three quarters of a mile west.

Q East of what?

A East of 17th.

Q East of Pacific Avenue?

A East of Pacific Avenue.

Q Has all the water that you have turned out in the canal
you have described there, come through that 17th street
ditch or ditch?

A At those times; yes.

Q That which is turned out at 22nd Street comes down one
of the north and south streets, and joins that which is
turned out at 17th street?

1 A The 19th Street ditch intercepts all the water flowing
2 through the Avenue from both sides.

3 Q And that reached the wash half or three quarters of a
4 mile east of Euclid Avenue?

5 A Yes, sir.

6 Q Did you ever measure that distance from Euclid Avenue to
7 that wash?

8 A I never did.

9 Q You say half a mile to three-quarters: Is it nearer half
10 or three-quarters?

11 A Well, I can't tell you; it is quite a distance; it is
12 several tens and I can't tell you how many.

13 Q It does not reach the map which is delineated on the map
14 here, Exhibit D?

15 A No, sir.

16 Q Now, that water which is taken through the 19th street
17 ditch, or gutter, east of Euclid Avenue, is discharged from
18 the San Antonio Water Company's mains is it?

19 A Yes, sir.

20 Q It is in pipes, and those pipes take the water where?

21 A Through the colony, and distribute it through the colony

22 Q You do not understand the word "take" in the same sense
23 that I am speaking of: I refer to where it takes up the
24 water, receives the water? Where does it receive the water
25 that is discharged through the 19th street ditch?

26 A From the San Antonio Canyon.

27 Q At what times in the year? All the time?

28 A All the time.

29 Q At what times in the year is it turned out in the manner

1 that you have described?

2 A Just as soon as the irrigation season is over and
3 before it starts,- between the times of irrigation.

4 Q Do you know whether the 19th street that you describe
5 in Ontario Colony is on a line connecting with the 19th
6 Street in the Cucamonga District, which you spoke of a
7 while ago as above 16th street? Between 16th Street and the
8 Mouth of the Cucamonga Canyon?

9 A It is the same thing.

10 Q The same road runs across the country does it?

11 A Yes, sir.

12 Q Where is that 19th street, with reference to the well
13 called the Sourwine well?

14 A The Sourwine well I believe is on 19th street, further
15 east.

16 Q And that same line, 19th street, runs on west, and
17 crosses Euclid Avenue, at the place you have mentioned as
18 the locality of the ditch?

19 A Yes, sir.

20 Q Into which that waste water of the San Antonio Water Com-
21 pany is discharged?

22 A Yes, sir.

23
24 Mr. Haskell, Q You know up near the Cucamonga Mountains,
25 the channel of Cucamonga Creek formerly spread further west
26 toward Upland, than it now does, do you not?

27 A I don't know that.

28 Q Well, don't you know of some permanent barriers that
29 have been erected there, in some of those channels, to keep

Q. Now, did you see the man who was with the woman?

A. Yes, I saw him. He was standing near the door.

Q. Did you see him again after that?

A. Yes, I saw him again. He was standing near the door.

Q. Did you see him again after that?

A. Yes, I saw him again. He was standing near the door.

Q. Did you see him again after that?

A. Yes, I saw him again. He was standing near the door.

Q. Did you see him again after that?

A. Yes, I saw him again. He was standing near the door.

Q. Did you see him again after that?

A. Yes, I saw him again. He was standing near the door.

Q. Did you see him again after that?

A. Yes, I saw him again. He was standing near the door.

Q. Did you see him again after that?

A. Yes, I saw him again. He was standing near the door.

Q. Did you see him again after that?

A. Yes, I saw him again. He was standing near the door.

Q. Did you see him again after that?

A. Yes, I saw him again. He was standing near the door.

Q. Did you see him again after that?

A. Yes, I saw him again. He was standing near the door.

Q. Did you see him again after that?

A. Yes, I saw him again. He was standing near the door.

Q. Did you see him again after that?

A. Yes, I saw him again. He was standing near the door.

Q. Did you see him again after that?

A. Yes, I saw him again. He was standing near the door.

Q. Did you see him again after that?

A. Yes, I saw him again. He was standing near the door.

Q. Did you see him again after that?

1 the water from spreading out?

2 A Permanent barriers; no, sir; I don't know of any.

3 Q Don't you know of any?

4 A I didn't put any there.

5 -o-

6 E. A. MAGILL.

7 E. A. MAGILL, a witness called by defendants, being
8 first duly sworn, testified as follows:

9 DIRECT EXAMINATION.

10 Mr. Joliffe, Q What is your name?

11 A E. A. Magill.

12 Q Where do you live?

13 A Ontario.

14 Q Do you have any employment or position, with reference
15 to the San Antonio Water Company?

16 A Zanjero.

17 Q How long have you been zanjero?

18 A Less than a year; it will be a year the 28th of this
19 month. - or the 19th of this month.

20 Q I will ask you if you know of the taking of any water from
21 the San Antonio Creek or Canyon, over to the Cucamonga Creek
22 or wash, or vicinity?

23 A I do.

24 Q Well, now, tell us just about how that was done, and how
25 much water was so taken?

26 A It was turned in on the 19th street ditch, east. How
27 much I don't know.

28 Q You made no measurements?

29 A I have made no measurements of it.

1 Q Do you know about the amount of water which was turned
2 into the ditch, or into the pipe line that led out from the
3 San Antonio Creek, during the present winter,- the pipe line
4 that has been spoken of as the new pipe line?

5 A No, I do not at present; it has been shut off for a few
6 days for repairs, and since then I have not made any
7 measurement.

8 Q Well, prior to that time do you know?

9 A No.

10 Q Do you know of any water being taken from the Cucamonga
11 channel during the present year, and if so about how much
12 has been so taken. I mean the Radie tunnel. I speak of
13 it as the Radie tunnel or the Cucamonga tunnel?

14 A That is the tunnel on the west side of the hill?

15 Q Yes, sir?

16 A Yes, sir. All the way from 60 to 240 inches.

17 Q When was the larger amount taken?

18 A I don't know unless I look in my book.

19 Q Well, I inquire particularly during the winter season,
20 since the close of the irrigating season how much has been
21 taken?

22 A Sixty inches steady flow, nearly. We started in with less
23 than 60 and it is up to 60 now.

24 Q Do you mean by that the amount taken by the San Antonio
25 Water Company?

26 A Yes, sir; since the close of the irrigating season.

27 Q Do you know the total amount that has been taken from
28 there by any party, since the close of the irrigating season?

29 A Why we get the same; both companies get the same.

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Q What other company do you refer to?

A The one that Mr. Caldwell is the zanjero of; I suppose that is the Cucamonga Company.

Q Do you know what is done with the water that is taken by ~~the Cucamonga Water Company~~ San Antonio Water Company?

A Turned into the city reservoir, about 40 inches of it.

Q I will ask you whether or not it has been all beneficially used?

A It has been all used for domestic purposes.

Q Is it or not a fact that any of it has been turned out of the pipe lines and allowed to run down past the San Bernardino road?

A None of it.

Cross Examination.

Mr. Britt, Q Do you know when water began to be turned out of the mains of the San Antonio Water Company into the 19th street ditch?

A No, I couldn't say the exact date.

Q You have been zanjero since March 19th of last year?

A Yes, sir.

Q When did you first see the water turned from the San Antonio Water Company's main, into the 19th street ditch, - about what time, if you don't remember exactly?

A Sometime in December; it was after the irrigating season, after we quit irrigating.

Q You don't know what quantity?

A No, I didn't turn it out.

Q Did you trace that water to see where it went?

A No.

Q You merely saw it running out 19th street?

A I merely saw it running out 19th Street.

Q What was it coming out of?

A Pipe line, and down the Avenue, and out of another pipe line on 22nd I believe.

Q Down Euclid Avenue?

A Yes, sir.

Q Is Euclid Avenue paved there?

A It has a gutter, stone gutter.

Q At 19th street is there a gutter?

A Yes, sir.

Q What kind?

A A stone gutter, a stone ditch that runs east; it is paved with stones so it won't wash.

Q How wide is that stone ditch at 19th street, at the corner of Euclid Avenue?

A I don't know; six feet wide or eight feet wide; I don't know exactly what it is.

Q How deep is it?

A I think the south bank must be seven or eight feet high, if not more.

Q The south bank of it is deeper or higher than the north bank?

A Yes, sir.

Q Is the bank made of stone?

A Yes, sir; it is faced up with stone.

Q How far does that run east?

A About a quarter of a mile that way.

Q And what does it terminate in? What intersects it at the

1 The first thing I noticed when I stepped
 2 out of the car was the smell of the sea.
 3 It was a fresh, salty breeze that
 4 filled my lungs and made me feel
 5 like I was breathing new life.
 6 The sun was shining brightly, and
 7 the water was a deep, vibrant blue.
 8 I walked along the shore, feeling
 9 the sand beneath my feet and the
 10 gentle waves lapping at my ankles.
 11 It was a perfect day, and I
 12 felt like I was on top of the world.
 13 The only thing that was missing
 14 was a good book to read.
 15 I had brought one with me, but
 16 it was too small to carry around.
 17 I decided to leave it behind and
 18 just enjoy the view.
 19 The beach was empty, and I
 20 felt like I had the whole world
 21 to myself.
 22 I sat down on a blanket and
 23 watched the waves roll in.
 24 The sound of the water was
 25 so soothing, it made me feel
 26 like I was in a dream.
 27 I closed my eyes and let the
 28 sun warm my face.
 29 It was a moment of pure
 30 happiness, and I knew I
 31 would never forget it.
 32

1 ~~Q And what does it terminate in~~ end of that quarter of a
2 mile? A wash?

3 A A wash.

4 Q A wash running from north to south?

5 A I believe so; I have not been out that way for a year or
6 so; and they put in a new pipe line since then, a thirty-
7 inch pipe.

8 Q To what creek does that wash belong; as a drainway?

9 A Cucamonga Canyon.

10 Q That you say is about a quarter of a mile east of Euclid
11 Avenue?

12 A At 16th Street it is half a mile.

13 Q I am speaking about 19th street?

14 A It is a little less than half a mile.

15 Q I am talking of the stone ditch you spoke of.

16 A It runs out two tens, the stone ditch, and then it opens
17 out into an open ditch I believe, - a kind of a wash out in
18 there.

19 Q It opens into one of the Cucamonga washes?

20 A I think it does.

21 Q By two tens, I suppose you mean two tracts of land in
22 the form of a square containing ten acres?

23 A A quarter of a mile.

24 Q Then about a quarter of a mile - -

25 A Or more; I don't know how much more.

26 Q A quarter of a mile or a little more east of Euclid
27 Avenue the water running from the mains of the San Antonio
28 Water Company down Euclid Avenue, and into this stone ditch,
29 is discharged into a wash, is that it?

1 A Yes, sir.

2 Q Now, you were talking about some water from the Eadie
3 tunnel, and there was 60 inches I think you said received
4 from the Eadie tunnel: Received by whom? Who received that
5 60 inches?

6 A It flows over the weir.

7 Q Flows over the weir where?

8 A At the mouth of the tunnel.

9 Q Over one weir or two weirs?

10 A Over two weirs; there is 60 inches going over each weir.

11 Q And the 60 inches that you speak of is used for domestic
12 purposes?

13 A Yes, sir.

14 Q And was taken into what pipe line?

15 A Taken into the 30 inch, and the 22 inch to Ontario.

16 Q Taken through both those pipe lines?

17 A Yes, sir.

18 Q To Ontario?

19 A Yes, sir; or to Uplands; it runs into the Ontario City
20 reservoir,- 40 inches of it.

21 Q It passes through the sandbox there at the east boundary
22 of the Ontario Colony lands?

23 A Yes, sir.

24 Q How much of it reached the sandbox? Did you ever measure
25 it there or see it measured?

26 A Yes, sir; all of it; very little seepage.

27 Q Are you accustomed to measure water yourself?

28 A Yes, sir.

29 Q Did you keep any record of your measurements at that point

A: Yes, sir.
Q: Now, you were talking about the fact that the
company, and there was no money, I think you said something
about the fact that the company was not in a position to
pay the money.

A: Yes, sir.
Q: If I have understood you right, the money was not
paid to the company.

A: Yes, sir.
Q: Is the money that was paid to the company?

A: Yes, sir.
Q: And the money was paid to the company?

A: Yes, sir.
Q: And the money was paid to the company?

A: Yes, sir.
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A: Yes, sir.
Q: And the money was paid to the company?

1 A Not at that point, no.

2 Q Did you keep any record of your measurements anywhere?

3 A Yes, sir.

4 Q Where?

5 A At the mouth of the tunnel.

6 Q Have you got that with you?

7 A Yes, sir.

8 Q Let us see it if you please.

9 A It is also recorded on a chart.

10 Q Where is the chart?

11 A It is in the office.

12 Q Those measurements to which you point appear to be made
13 in July?

14 A Well, here are November.

15 Q And the July measurements, seem to show 190 and some
16 inches do they not?

17 A Yes, sir.

18 Q That was the amount being received into the pipe lines
19 of the San Antonio Water Company at that time?

20 A Yes, sir.

21 Q Now, let me see the entries where there is a 60 inch
22 discharge?

23 A There it is, in January, November and December.

24 Q Well, now, take November 3rd: State what the record is
25 you have?

26 A I have .474 of a foot.

27 Q What does that mean?

28 A About 230 inches.

29 Q That is November 3rd?

1. The first part of the paper is devoted to a general
2. introduction of the subject. The second part is
3. devoted to a description of the method used in the
4. experiments. The third part is devoted to a
5. description of the results of the experiments. The
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130. list of pseudonyms.

1 A Yes, sir.

2 Q How do you reduce your fraction of a foot to inches?

3 A I don't know; I take the measurements with a rule for my
4 part, and leave the engineer to measure the other part;
5 I don't know his table.

6 Q Well, that is .474 of a foot, that is the depth of the
7 water flowing over the weir, was it?

8 A Yes, sir.

9 Q You measured there and found that the water where it
10 flowed over the weir was .474 of a foot in depth, a little
11 less than six inches?

12 A Yes, sir.

13 Q That is right is it?

14 A Yes, sir.

15 Q And the weir is how wide?

16 A 60 inches.

17 Q Well, that is what it was on November 3rd?

18 A Yes, sir.

19 Q What was it at other times in November?

20 A November 18, .456,- 215 inches.

21 Q Give us what else you have?

22 A November 25th, .493,- 242.5 inches.

23 Q Well, proceed?

24 A December first, .474,- 222.5 inches. December 16th,-
25 we closed down then; it was reduced then to - we didn't
26 have any measurement there; that is $2 \frac{3}{4}$ inches over
27 a 30 inch weir, making about 45 inches; I didn't have the
28 scale with me that morning; they were making repairs.

29 Q That was not measured over the 60 inch weir?

A Yes, sir.

Q Now you reduced your fraction of a foot to inches?

A I don't know; I take the measurements with a rule for my part, and leave the engineer to measure the other part; I don't know the cable.

Q Well, that is .474 of a foot, that is the depth of the water flowing over the weir, was it?

A Yes, sir.

Q You measured there and found that the water was 11 flowed over the weir was .474 of a foot in depth, a little less than six inches?

A Yes, sir.

Q That is right is it?

A Yes, sir.

Q And the weir is how wide?

A 60 inches.

Q Well, that is what it was on November 2nd?

A Yes, sir.

Q What was it at other times in November?

A November 10, .476, - 215 inches.

Q Give me what else you have?

A November 13th, .473, - 242.8 inches.

Q Well, proceed?

A December first, .474, - 223.8 inches. December 18th, we closed down then; it was reduced then to - we didn't have any measurement there; that is 2 3/4 inches over a 30 inch weir, making about 45 inches; I didn't have the scale with me that morning; they were making repairs.

Q That was not measured over the 60 inch weir?

1 A No; over a 30 inch weir; the other weir is an angular
2 weir, and we had to divide them up, when we closed the
3 water down so it would be half and half.

4 Q What other measurements have you?

5 A December 22, height .244 over 30 inch weir.
6 December 29th, .246 over 30 inch weir. It runs to
7 January 5th, .251. January 11th, .252. January 12th, .253.
8 January 28th, .260. February 6th, .265. February 13th, .274.
9 February 22nd, .274.

10 Q That is the last is it?

11 A Yes, sir.

12 Q All these measurements since January first were in 1909?

13 A There was another measurement made the other day that
14 I failed to take my book out; it was the same as this last
15 measurement, made on March 2nd.

16 Q Those have been all since January first, 1909?

17 A Yes, sir; 1909.

18 Q Were you along the ditch line every day since you shut
19 down in December?

20 A Every day?

21 Q Yes?

22 A Rainy days and all I suppose?

23 Q Yes?

24 A No, I haven't been over the pipe line but three days.

25 Q During that while?

26 A Since it shut down in December.

27 Q What do you mean by shutting down?

28 A Well, we closed the tunnel down from 240 inches, down to
29 60 inches.

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Q How is that done?

A A bulkhead, - a gate.

Q In the tunnel?

A Yes, sir.

Q And you don't know anything about this water previous to 1908?

A No, sir.

Q March, 1908? You don't know how much was wasted there before that do you?

A No, sir.

Mr. Haskell, Q I understood you to say that during this last winter there has been 60 inches of water taken through the Eddie tunnel to Ontario?

A Yes, sir. Or less than 60; it was less than 60 at the start, but since the tunnel filled up it was nearly 60.

Q And 40 inches had been turned into the City reservoir at Ontario?

A Yes, sir.

Q What becomes of the other 20?

A It takes 10 inches to run the Avenue pressure line, and the rest of it is run to three other pressure lines.

Q None of the time has there been over 60 inches?

A No, sir.

Q Do you know how much is running there now?

A Yes, sir.

Q How much?

A About 60 inches.

Q Well, now, you haven't been over the line but three times

1 I understand?

2 A That is all.

3 Q How do you ascertain whether it is 60 or more?

4 A At the mouth of the tunnel?

5 Q Yes, sir?

6 A Well, there is a weir there

7 Q And you have been there only three times?

8 A I have been there every week at the mouth of the tunnel
9 but not over the line.

10 Q But did not follow the line?

11 A No, sir.

12 Q And you did not cross this place where water is some-
13 times turned down in the wash?

14 A A That is where it is turned down in the wash is shut
15 by a lock.

16 Q But you didn't cross that place on your trips?

17 A Yes, sir; I crossed one wash - two washes.

18 Q Well, at this turn-out, this turn-out there at the wash?

19 A No, sir; there is no turn-out in the wash.

20 Q So you have not seen that this winter?

21 A There is no turn-out in the wash.

22 Q Well, this place where there is a turn-out, that is there

23 A Yes, sir.

24 Q Some distance west of the box at the mouth of the tunnel?

25 A Yes, sir.

26 Q You did not pass that place, when you made your trip?

27 A Yes, sir; but I didn't go up to it; I didn't go to it;
28 that is locked.

29 Q And didn't see it?

SUPERIOR COURT

1 A Yes, I saw it but at a distance.

2 Q How far away?

3 A About 300 yards.

4
5 Mr. Britt, Q Did you ever see water at all turned out at
6 that place in the wash where you say it is locked up?

7 A No time only when I turned it out.

8 Q When did you turn it out there?

9 A Last June and July.

10 Q For what length of time?

11 A About a week, to irrigate the eucalyptus grove,- a
12 week for irrigating purposes.

13 Q How much of a stream did you turn out there?

14 A About 60 inches.

15 Q Is that all there was flowing in the pipe then?

16 A No, sir.

17 Q How much was flowing in the pipe?

18 A About 190 inches.

19 Q Where was the balance of it going?

20 A To Ontario.

21 Q Did you at any time measure that water at the sandbox?

22 A Yes, sir.

23 Q During the time, since the tunnel was shut down in
24 December last, did you measure the water at the sand-box?

25 A Only twice.

26 Q Have you got the measurement with you?

27 A No, sir.

28 Q Do you remember what it was?

29 A It was more than it was over at the tunnel; Mr. Fuller

1 was dropping some down from the overflow from the other
2 reservoir a little, so it made it practically more than I
3 was getting from the tunnel.

4 Q An overflow from the other reservoir?

5 A Yes, sir; Upland reservoir.

6 Q Is there water coming down to that sand box from the
7 Upland reservoir?

8 A Yes, sir.

9 Q Was that out of the water from the 16th street wells?

10 A No, sir.

11 Q Where then?

12 A San Antonio.

13 Mr. Haskell, Q During the winter season you have a large
14 amount of stream water from San Antonio Creek running to
15 waste all the time don't you?

16 A I don't, no; up in the other district, up in the upper
17 part of the colony there is, yes.

18 Q Belonging to the San Antonio Water Company?

19 A Yes, sir.

20 Q Quite a large stream?

21 A Yes, sir; turned out east, most of it.

22 Q And it is part of the stream that is turned out, as the
23 witnesses have testified, turned out at 19th street, into
24 this wash? A Yes, sir.

25 Q And it is turned out of the same system,- it is a continua-
26 tion of the system for distributing water, all the way from
27 San Antonio Canyon, all the way down to the lower part of
28 Ontario Colony, isn't it? A Yes, sir.

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W. J. KINCAID.

W. J. KINCAID, a witness previously sworn, being recalled by defendants, testified as follows:

Mr. Mc.Kinley, Q On your previous examination, you testified to the various developments that you observed made there, in the region in controversy here, such as the Haskell well, the Stowell wells and so on: I don't think you fixed the times at which you observed that: about when was it you saw those?

A I would like to have a little more of the testimony read so that I can place the date or the time.

Q Well, did you observe those developments at the time they were begun, or how soon after they were begun?

Mr. Britt: Which developments?

Mr. Mc.Kinley: The ones I have described in the preceding question?

A At the time they were being done.

Q And you observed the Haskell well, and the changes in the Eadie tunnel and the Stowell wells, and the 16th street wells, such as had been constructed, prior to December 23rd, 1902, when you made a conveyance to the Old Settlers' Water Company?

A Yes, sir.

Q You were the W. J. Kincaid, who was plaintiff in the case brought to restrain the diversion of water to Ontario, were you?

A I was one of them; yes, sir.

Q You were fully informed with reference to the facts in regard to that diversion at that time?

A Yes, sir.

By the Bureau, as follows:

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1 Q You were a stockholder in the Old Settlers' Water
2 Company: Were you an officer?

3 A Not now.

4 Q Have you been an officer?

5 A I have been; yes, sir.

6 Q When were you an officer?

7 A I was an officer of the Old Settlers' Water Company
8 about three years ago.

9 Q What position did you occupy?

10 A I was secretary part of the time.

11 Q For how long a time were you secretary?

12 A I think for one or two years.

13 Q About three years ago - Were you secretary at any time
14 prior to the bringing of this suit?

15 A Yes, sir.

16 Q For long; prior to the bringing of this suit?

17 A I think one or two years.

18 Q That is the only position you have occupied in it is it?

19 A I was one of the directors.

20 Q You were a director?

21 A I was a director; yes, sir.

22 Q When were you a director?

23 A And secretary at the same time.

24 Q At the same time you were director and secretary?

25 A Yes, sir.

26 Q You were not a director at any time previous to that?

27 A I don't think so; I don't just remember.

ROBERT MANLEY

ROBERT MANLEY, previously sworn, recalled by defendants testified as follows:

DIRECT EXAMINATION.

Mr. Mc.Kinley, Q I will ask you if you have since leaving the stand, examined your books for the memorandum which which was called for by Judge Britt?

A I have sir.

Q Are you now prepared to give the data for which he called?

A Yes, sir.

Q You may now read it to the reporter.

A Do you want it from where I left off?

Mr. Britt: Yes.

A That was May 11th, 1905.

Mr. Britt, Q I think it was; I think that was the date.

A January 20th, 1906, two men.

The Court: Why not put this statement in as an exhibit? It is all typewritten.

Mr. Mc.Kinley, Q Did you remember that you had it until after you left the stand?

A No, sir; I didn't remember that it was in that form. Mr. Leuke handed it to me.

Q You have verified it?

A Yes, sir; I have gone over the whole book. I had it in my pocket at the time without knowing that it was in that form

Q You have checked it over with the book since?

A Yes, sir; I have checked it over - every item is correct.

Mr. Joliffe, Q I notice your memorandum here stops with the year 1907: Have you any record of work done along the same lines since that time?

1 A Yes, sir; I have at home; at Ontario. I have not that
2 book with me.

3 Mr. Joliffe: Is it satisfactory that this witness may
4 prepare that record and send it here under the same arrange-
5 ment as before?

6 Mr. Britt: Yes; assuming that it is in the same form, and
7 the same notations here will mean the same thing, the tabu-
8 lation which he presents later.

9 Mr. Joliffe: With that understanding that is all.

10 CROSS EXAMINATION.

11 Mr. Britt, Q This tabulation was made by yourself, sometime
12 ago was it?

13 A Yes, sir.

14 Q Not made today. And it contains columns, with various
15 dates, as April 15th, 1903, and so on down, the last
16 being April 5th, apparently, 1907?

17 A Yes, sir.

18 Q And the column then following those dates is of this
19 character. One man at \$2.00; other men at 2.50 and so on.
20 Those indicate I suppose, those figures, that notation
21 means that one man was employed for this distributing of the
22 water in the Cucamonga wash?

23 A Yes, sir.

24 Q And that is the amount of wages paid to him on those
25 several dates?

26 A Yes, sir.

27 Q And the next column shows the amount of money paid?

28 A Yes, sir.

29 Q And the various summaries appearing in those columns indi-

1. The first part of the report is devoted to a general
description of the project and its objectives.

2. The second part of the report describes the
methodology used in the study, including the
data collection and analysis techniques.

3. The third part of the report presents the
results of the study, which are discussed in
the context of the project objectives.

4. The fourth part of the report discusses the
conclusions of the study and the implications
for future research.

5. The fifth part of the report provides a
summary of the findings and a list of
references.

6. The sixth part of the report contains
the appendices, which include the
questionnaire and the data tables.

7. The seventh part of the report is the
concluding remarks, which summarize the
main findings of the study.

8. The eighth part of the report is the
acknowledgments, which thank the
people who helped in the study.

9. The ninth part of the report is the
bibliography, which lists the references
used in the study.

10. The tenth part of the report is the
index, which provides a list of the
pages where the topics are discussed.

11. The eleventh part of the report is the
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the figures included in the report.

12. The twelfth part of the report is the
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13. The thirteenth part of the report is the
list of abbreviations, which provides a list
of the abbreviations used in the report.

14. The fourteenth part of the report is the
list of symbols, which provides a list of
the symbols used in the report.

1 gate I suppose the total, as for example in 1903 there
2 is \$8.92?

3 A I suppose so; I have not totalled them.

4 Q That is what it is intended to mean?

5 A Yes, sir; that is what is intended to mean.

6 Mr. Joliffe: We offer this in evidence.

7 Said document is admitted in evidence, marked

8 "DEFENDANTS' EXHIBIT F"

9 and is here extended in the record as follows:
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Page 2 of 2

10/10/10

1. The first part of the document is a list of the names of the members of the committee.

2. The second part of the document is a list of the names of the members of the committee.

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MEMBERS OF THE COMMITTEE

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28. The twenty-eighth part of the document is a list of the names of the members of the committee.

DEFENDANTS' EXHIBIT F.

Distributing water in Cucamonga wash.

April	13th, 1903	1 man at	\$2.00	\$2.00
"	20th,	1 man at	2.50	2.50
"	21st	1 man at	2.50	2.50
"	23rd	1 man at	2.50 - 4 hrs.	1.12
		Car fare		.80
				<u>8.92</u>

Feb.	3rd - 1905	2 men and car fare	3.42
"	4th	6 men " " "	11.90
"	5th	6 " " " "	12.05
"	16th	1 man (Woodhead)	2.50
Mar.	13th	1 " " "	2.50
"	14th	1 " " "	2.50
"	18th	1 " " "	2.50
"	20th	1 " " "	2.50
"	21st	1 " " "	2.50
"	22nd	1 " " "	2.50
May	5th	Henry and car fare	2.20
"	6th	" " " "	2.20
"	7th	" " " "	2.20
"	8th	" " " "	2.20
"	9th	" " " "	2.20
"	10th	" " " "	2.20
"	11th	1 " " " "	2.20
			<u>2.20</u>
			\$60.27

Jan.	20th - 1906	2 men and car fare	4.40
"	23rd	3 men and car fare	6.60
Mar.	14th	5 " " " "	11.00
"	16th	4 " " " "	8.36
"	17th	4 " " " "	8.80
"	19th	7 " " " "	13.97
"	20th	1 man " " "	2.20
"	26th	9 men " " "	12.46
"	27th	6 " " " "	13.00
"	28th	6 " " " "	13.00
"	29th	4 " " " "	8.60
"	30th	2 " " " "	4.40
"	31st	1 man " " "	2.20
A pr.	2nd	1 " " " "	2.20
			<u>\$111.19</u>

1. $\frac{1}{2} \times \frac{1}{3} = \frac{1}{6}$
 2. $\frac{1}{4} \times \frac{1}{5} = \frac{1}{20}$
 3. $\frac{1}{6} \times \frac{1}{7} = \frac{1}{42}$
 4. $\frac{1}{8} \times \frac{1}{9} = \frac{1}{72}$
 5. $\frac{1}{10} \times \frac{1}{11} = \frac{1}{110}$
 6. $\frac{1}{12} \times \frac{1}{13} = \frac{1}{156}$
 7. $\frac{1}{14} \times \frac{1}{15} = \frac{1}{210}$
 8. $\frac{1}{16} \times \frac{1}{17} = \frac{1}{272}$
 9. $\frac{1}{18} \times \frac{1}{19} = \frac{1}{342}$
 10. $\frac{1}{20} \times \frac{1}{21} = \frac{1}{420}$

DEFENDANTS' EXHIBIT F.
(Continued)

Dec.	28th	1906	2	men and car fare	\$2.40
Jan.	6th	1907,	3	" " " "	6.85
Mar.	18th	"	1	man " " "	2.20
"	19th	"	1	" " " "	2.20
"	22nd	"	1	" " " "	2.20
"	24th	"	3	" " " "	6.75
"	26th	"	2	" " " "	4.90
"	27th	"	2	" " " "	4.90
"	28th	"	2	" " " "	4.90
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"	30th	"	1	" " " "	2.45
Apr.	1st	"	1	" " " "	2.45
"	2nd	"	1	" " " "	2.45
"	3rd	"	1	" " " "	2.45
"	4th	"	1	" " " "	2.45
"	5th	"	1	" " " "	2.45
					<hr/>
					\$54.45

[illegible]

W. T. LEAKE.

W. T. LEAKE, previously sworn, being recalled by defendants, testified as follows:

DIRECT EXAMINATION.

Q You have already testified that you have been President of the San Antonio Water Company, since 1896: You reside in Ontario?

A Yes.

Q How long have you resided there?

A In Ontario? Continuously since 1894, and part of the time previous to that time since 1887.

Q When did you first begin to be acquainted with this section, where these waters in dispute are taken from the ground?

A I was not intimately acquainted with that section much before 1898; I visited the section several times during the previous six or eight years.

Q There has a well been referred to here as the Frankish well, which was put down somewhat earlier than that: When did you see that well first?

A In 1896.

Q What observation did you make? What what you observe in regard to it at that time when you saw it?

A I was on a committee of the San Antonio Water Company to look into the possibility of obtaining water from that well during that season; and I don't remember anything very definite, in regard to the physical character of the well at that time.

Q Do you know as to the quantity of water that it was producing?

A It was reported to me at different times as 25 inches or

W. F. LAMM.

W. F. LAMM, President, Vermont State Convention of

Delegates, assembled at Rutland:

JOSEPH H. HARRIS,

of the Vermont State Convention, at Rutland:

of the Vermont State Convention, at Rutland:

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1 about there; as I understand it, the well actually turned
2 into our system in the colony about 25 inches; but there is
3 some waste between the well, and the turning in of the water.

4 Q What arrangement did the Company make in regard to
5 procuring that water from Frankish? Was it in writing or a
6 verbal agreement?

7 A I think it was a verbal agreement at that time.

8 Q What was it?

9 A The agreement substantially was that our company had
10 permission to pump the well during that irrigating season,
11 that year.

12 Q And what was done in pursuance of that agreement?

13 A The well was pumped and the water ran into our system.

14 Q How long did that continue?

15 A Only during that irrigating season, as I remember it.

16 Q Did the company ever acquire any other rights in that well

17 A In 1898 the Company was given written permission from
18 Frankish and Stamm to operate that well during that year, or
19 during the irrigating season of that year.

20 Q Do you know what was done with the water of that well
21 during the irrigating season of 1897?

22 Mr. Britt, Q That was a written permission as I understand.

23 A It was a written permission; yes, sir.

24 Q Have you the writing?

25 A I do not know that I could place the writing at the
26 present time.

27 Mr. Mc.Kinley: We will make an effort to produce it,- to
28 find it and produce it if we can.

29 Mr. Britt: Produce it if possible.

Mr. Mc.Kinley: Yes.

Source: U.S. Census Bureau, *U.S. Census of Population and Housing, 1990*.

1990-1991

[illegible]

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

1 Mr. Mc.Kinley, Q Do you know what was done with the water
2 of that well during the irrigating season of 1897?

3 A I don't remember what was done in 1897.

4 Q Now, in 1898 the water was taken by the San Antonio
5 Water Company?

6 A Yes, sir.

7 Q And during what portion of the irrigating season?

8 A I don't remember during what portion of the irrigating
9 season; my impression is we began to pump the well early,
10 as soon as water was required for irrigating during that
11 season. How long the pumping continued I don't remember.

12 Q Do you remember whether it continued during all of the
13 irrigating season?

14 A My impression is that there was some difficulty with the
15 machinery toward the latter part of the season; I don't think
16 it ran the entire season.

17 Q Now, during the next irrigating season did the company
18 have any connection with that well? That would be 1899?

19 A Yes, during 1899 we pumped the well continuously during
20 the irrigating season; we obtained from the well at that time
21 by engineers' measurements 30 inches of water.

22 Q Under what sort of an agreement was that?

23 A The well at that time, if I remember correctly, it came
24 into our possession, the possession of the San Antonio Water
25 Company.

26 Q By purchase?

27 A By foreclosure of a mortgage, and the buying in of prop-
28 erty; I don't know that the mortgage was foreclosed; there
29 was an arrangement whereby the property was purchased.

Q Now, in fact, the water was taken by the San Antonio Water Company?

A Yes, sir.

Q And during that portion of the first season?

A I don't remember during what portion of the first season; my impression is so began to pump the well early, as soon as water was required for irrigation during that season. Now from the pumping continued I don't remember.

Q Do you remember whether it continued during all of the first season?

A My impression is that there was some difficulty with the machinery toward the latter part of the season; I don't think it ran the entire season.

Q Now, during the first irrigation season did the company have any connection with this well? That would be 1903?

A Yes, during 1903 we dug to the well continuously during the first season; we obtained from the well at that time by means of a pump, about 50 inches of water.

Q Under what sort of an agreement was that?

A The well at that time, if I remember correctly, is now in our possession, the possession of the San Antonio Water Company.

Q By purchase?

A By foreclosure of a mortgage, and the buyer in of property; I don't know that the mortgage was foreclosed; there was an agreement whereby the property was released.

1 Q And the deed I suppose would show what date that was?

2 A Yes, sir.

3 Q And since that what has been the history of that well?

4 A The well was deepened in 1900; a bored well was sunk
5 from the center of the shaft and machinery installed, and the
6 well has been in service ever since.

7 Q Since the deepening what amount of water have you been
8 receiving, - varying amounts in different seasons?

9 A Varying amounts; we pump from that well as we need it; it
10 has averaged as high as 100 inches of water at times; and at
11 times we would not pump more than 60 inches; it would depend
12 upon our needs and the general condition of our business.

13 Q Has that continued down to the present time?

14 A Yes, sir.

15 Q Now, the next water in which the San Antonio Water Company
16 acquired an interest, at least a claim, was the Haskell well,
17 was it?

18 A The Haskell wells, yes, sir; we purchased the Haskell well
19 or a tract of land of 20 acres, including a well that had
20 already been sunk to a depth of some 70 feet, a shaft; we
21 continued the sinking of that shaft .

22 Q The deed I suppose will show the date you acquired that:
23 you didn't go into possession until you got a deed?

24 A No, sir.

25 Q Had you observed that well before, with reference to its
26 production or anything of that sort, the Haskell well, any
27 time before it was turned over to you?

28 A Yes, sir; we looked into the matter very carefully before
29 we purchased.

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1 Q Well, state all that you ascertained by the use of your
2 own senses; not from others, hearsay, I mean, but what you
3 observed yourself?

4 A We concluded that it was a water bearing well -

5 Q Not what you concluded but what did you see with regard
6 to the well before you purchased it as to being pumped, or
7 water flowing from it, or anything of that sort, if you ob-
8 served anything there yourself?

9 A We observed the reservoir connected with the well, and
10 indications that considerable water had at times been pumped
11 from it; I saw no water being pumped from it; I observed
12 there was water in the shaft; and upon that purchase - We
13 made the purchase and proceeded to deepen the well.

14 Q Now, if you will go on with the history of that well, what
15 you did and the amount of water you obtained and what use
16 was made of it?

17 A We placed a pump in the well and pumped at first about
18 from 12 to 20 inches, and sunk a shaft to a depth of some 80
19 or 90 feet, but found that the water did not accumulate rapid-
20 ly, and we began the boring of a well in the shaft. We com-
21 pleted the boring of the well.

22 Q About when was that completed?

23 A Early in 1900.

24 Q When was it begun? Do you remember that, - the boring?

25 A It was begun I think about August, 1899. Early in
26 1900 we placed a pump in the well and shortly after begun
27 pumping water into our system from that well.

28 Q Is that the first occasion when you received water into
29 your system from that well?

1 Well, since all that has happened in the last few
2 years (and not only that, but also the present
3 situation) is...

4 It is concluded that it was a rather serious matter.
5 The fact that you mentioned that you had not been
6 as the well before the present time is a fact which
7 will be taken into account in the future. It is not
8 enough to say that you have not been well.

9 We should be the same as before, with the well, but
10 sometimes the situation is not the same as before.
11 From now, I am in a better position than I was
12 before. The water in the well is not the same as
13 before. The water in the well is not the same as
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37 before. The water in the well is not the same as
38 before. The water in the well is not the same as

1 A I am not sure about that.

2 Q How did you conduct water from the Haskell well over to
3 Ontario?

4 A In a pipe line laid from the Haskell well, past the 16th
5 street wells and on.

6 Q How was the water conducted from the Frankish well?

7 A In '98 and '99 it was conducted through an underground pipe
8 In '96 it was conducted into our system through a wooden flume

9 Q What use did you make of those waters conducted into your
10 system?

11 A They mingled with the general supply of water for irrigatin
12 purposes and were used in the colony for irrigation and
13 domestic purposes.

14 Q All of the waters you had were used?

15 A Yes, sir.

16 Q Now, I interrupted you in the history of the Haskell well:
17 You may proceed with that?

18 A The waters of that well were simply turned into our system
19 We found it to be an excellent well pumping over 100 inches
20 of water at that time, and we continued the use of that well
21 up to our needs and requirements continuously up to the
22 present time.

23 Q Now, did you put down another well on that Haskell property?
24 A No; we placed another well on that is called the Keller
25 property immediately north of the Haskell property; the well
26 placed there is about between one and two hundred feet distant
27 Q It is the well referred to as the second Haskell well, but
28 in fact it is on another property?

26 A Yes, sir.

27 Q When was that work done?

27 A That work was done immediately after the completion of
28 Haskell No. 1, or No. 7 on the present maps. That was
29 followed to completion and a pump installed and about 100
inches of water pumped from that well.

all types. The findings will need to be confirmed in very high quality studies.

"0172-9110"

4. In a case like *York* the district court will not

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1. The author is not a member of the editorial board.

where α and β are the parameters of the distribution.

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2001, New York: Oxford University Press.

will double the efficiency of a dry cell battery at 100°C.

1 Q When did you begin pumping from that well?

2 A In the summer of 1900.

3 Q That was conducted through the same pipe line?

4 A Yes, sir.

5 Q And the water applied to the same uses?

6 A Yes, sir.

7 Q What was the next water acquired?

8 A We continued putting down wells along the line of 16th
9 Street. If you will allow me to consult my memorandum I
10 can give you about the dates.

11 Q All right.

12 A According to my memorandum the Haskell well no. 1 or
13 7, as it is at present, was completed in December, 1899.
14 Haskell well no. 2 or no. 8, as at present stated, was com-
15 pleted by September 1900. The original 16th Street well was
16 deepened and completed in 1900 in May.

17 Q That is the same well that you described as the Frankish
18 well?

19 A Yes, sir. And 16th Street well no. 2 was completed in
20 November, 1900.

21 Q What amount of water did that produce?

22 A About 75 inches, more or less, as we chose to pump. Ta
23 The west 16th street well or 16th street well no. 1, under
24 the present designation, was completed in August, 1901.

25 Q What amount of water did you produce from that?

26 A About 75 inches. 16th Street well no. 4 was completed
27 in December, 1901.

28 Q And what did that produce?

29 A From 60 to 80 inches.

1. The first step in the process is to identify the problem.

2. The second step is to define the objectives of the study.

3. The third step is to design the study and select the participants.

4. The fourth step is to collect the data.

5. The fifth step is to analyze the data and draw conclusions.

6. The sixth step is to report the findings.

7. The seventh step is to discuss the implications of the study.

8. The eighth step is to write the final report.

9. The ninth step is to present the findings to the relevant stakeholders.

10. The tenth step is to evaluate the study and its outcomes.

11. The eleventh step is to disseminate the findings.

12. The twelfth step is to reflect on the study and its impact.

13. The thirteenth step is to plan for future research.

14. The fourteenth step is to implement the research plan.

15. The fifteenth step is to monitor the progress of the research.

16. The sixteenth step is to report the findings of the research.

17. The seventeenth step is to discuss the implications of the research.

18. The eighteenth step is to write the final report.

19. The nineteenth step is to present the findings to the relevant stakeholders.

20. The twentieth step is to evaluate the study and its outcomes.

21. The twenty-first step is to disseminate the findings.

22. The twenty-second step is to reflect on the study and its impact.

23. The twenty-third step is to plan for future research.

24. The twenty-fourth step is to implement the research plan.

25. The twenty-fifth step is to monitor the progress of the research.

26. The twenty-sixth step is to report the findings of the research.

27. The twenty-seventh step is to discuss the implications of the research.

28. The twenty-eighth step is to write the final report.

29. The twenty-ninth step is to present the findings to the relevant stakeholders.

1 Q Now after those wells were completed and they produced
2 that amount, when did you begin using the water from them?

3 A There was one more well. 10th Street well no. 5 was
4 completed April 1902. We equipped those wells with the
5 proper machinery and began pumping them according to our
6 needs, dependent upon the character of the seasons.

7 Q And the waters were used in the next irrigation season
8 after they were completed, I suppose?

9 A Yes, sir.

10 Q Have you continued so to do from that time to this?

11 A Up to our necessities. We have used those waters as our
12 necessities required up to this time.

13 Q How has that been as to using approximately the waters
14 that the wells produced?

15 Mr. Britt: If there is better evidence obtainable (I believe
16 it has appeared that part of the time the water taken from
17 those wells was registered and a record kept with a degree
18 of accuracy) I believe it would be more informing if we had
19 the record.

20 Mr. McKinley: The Court might think that was better evi-
21 dence when it is passing on it; but as far as evidence is
22 concerned, one is as good as the other. Exact measurements
23 are not any better than a man's statement, as a matter of
24 law. As a matter of consideration, of course, the Court
25 would give preference to the other.

26 The Court: I don't think the rule covers evidence of this
27 character. The objection is overruled. Plaintiffs except.

28 A There have been times and seasons when we did not need all
29 the water those wells have produced, and there have been seas-

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1 ons when we needed to draw largely from those wells. We
2 have drawn from them as our necessities require.

3 Q What made the variation in your necessities?

4 A The rainfall principally; the yearly rainfall.

5 Q Passing on to the other developments in that region,
6 there is the Rubio well: When did you acquire that property?

7 A We acquired that property in the early summer of 1902.

8 A t least, I purchased it with the idea of turning over
9 to the San Antonio Water Company as soon as convenient the
10 water rights of that region, and selling to other parties
11 the surface ground for orchard purposes.

12 Q Not as a speculation of your own, but as representing
13 the San Antonio Water Company and for its benefit?

14 A That is correct.

15 Q Was there a well on that Rubio property?

16 A Yes, sir.

17 Q Do you know anything about what had been done with it
18 prior to your purchase?

19 A I have seen it pumped under Mr. Rubio's direction for
20 the use of the land and the irrigation of the trees on that
21 40-acre tract.

22 Q About what was its production when you first became
23 acquainted with it?

24 A About 20 to 25 inches.

25 Q What was its subsequent history?

26 A When it came under my title deeds the water was pumped
27 for irrigation purposes up to the necessities of the ranch;
28 probably 8 inches or more continuous flow, giving something
29 like an inch to 5 acres on the ranch or a trifle more. The

1. The first thing I noticed when I stepped out of the plane was the humidity. It was a warm blanket, wrapping around me in a way that felt both comforting and overwhelming. The air was thick with the scent of tropical flowers and the distant call of birds.

2. As I walked through the airport, I noticed the way the people looked at me. There was a mix of curiosity and warmth in their eyes. Some were smiling, while others seemed to be waiting for something. I felt a little out of place, but also a little welcomed.

3. The hotel was beautiful, with a large pool and a view of the ocean. The room was clean and comfortable, with a bed that felt like a cloud. I was tired from the long flight, so I decided to take a nap. The sound of the waves crashing against the shore was a lullaby.

4. When I woke up, the sun was shining brightly. I went outside and took a walk on the beach. The sand was soft and warm, and the water was clear and blue. I felt like I had found a new world.

5. The next day, I went to the market. There were so many colorful fruits and vegetables, and the smells were incredible. I bought some fresh mangoes and a bunch of bananas. The vendor smiled at me and gave me a small bag of rice.

6. I was invited to a party at a local restaurant. The food was delicious, and the music was great. I met some nice people and had a good time. It was a nice surprise, and I was glad to be there.

7. The trip was a great experience. I learned a lot about the culture and the people. I also had a lot of fun. I will definitely be back soon.

8. I was invited to a party at a local restaurant. The food was delicious, and the music was great. I met some nice people and had a good time. It was a nice surprise, and I was glad to be there.

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10. I was invited to a party at a local restaurant. The food was delicious, and the music was great. I met some nice people and had a good time. It was a nice surprise, and I was glad to be there.

1 question as to whether the San Antonio Water Company ever
2 pumped for the benefit of the San Antonio Water Company, turn-
3 ing the stream into their general output, is a matter that
4 I have not been able to trace. My recollection is extremely
5 hazy on the subject, and I have stated upon the stand that
6 I had no recollection that it had been so done. I don't
7 have any distinct recollection at the present time, although
8 it is possible that at some time it may have for a very
9 limited time been turned into the San Antonio Water Company.

10 Q Now then, passing from that to the waters purchased from
11 Stowell and the Cucamonga Fruit Land Company under the agree-
12 ment that has been introduced here, when did you first be-
13 come acquainted with the wells the waters of which are
14 described in that agreement?

15 A Early in 1899.

16 Q What observation of them did you make at that time?

17 A I visited those lands and observed the well called the
18 '96 well, and went over the whole situation. production

19 Q What did you see with reference to the ~~production~~ of those
20 wells at that time?

21 A The '96 well seemed to be flowing a good stream of water.
22 In fact, it looked to me like a very promising field for
23 water development.

24 Q Did you see what was being done with that water at that
25 time?

26 A No; it apparently was flowing into a tunnel, but my
27 recollection- -

28 Q You didn't yourself know what use was being made of
29 it, or at least, you don't remember? Was it in the irrigating

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26. twenty-sixth is the fact that the

27. twenty-seventh is the fact that the

28. twenty-eighth is the fact that the

1 season or in the winter that you saw it?

2 A My impression is that it was in the winter or early in
3 the spring.

4 Q Then subsequently you saw it again before the purchase?

5 I will put that in another form. Did the San Antonio Water
6 Company have the use of any of the waters of that well or
7 the Stowell developments prior to that purchase?

8 A Yes; we rented water from Mr. Stowell prior to the pur-
9 chase.

10 Q What water was that?

11 A Water that came from that development, I presume. I
12 understood so.

13 Mr. Britt: That is objected to.

14 Mr. McKinley: I will see if I can make it clear. If not, it
15 may be stricken out. Do you know where that water was deliv-
16 ered to you?

17 A It was delivered through the Eadie tunnel.

18 Q But you don't know how it went into the Eadie tunnel? Is
19 that the part that you depend on your understanding for?

20 Mr. Britt: First, was there a written lease from Stowell to
21 the company of that water?

22 A I am not sure about that.

23 Mr. McKinley: Q You mean you are not sure that there was a
24 written lease?

25 A Yes, sir.

26 Mr. McKinley: I am willing that the statement that he
27 understood so be stricken out.

28 The Court: Stricken out.

29 Q The water that you leased was delivered to you through the

1. The first thing I noticed when I stepped out of the car was the cold air.

2. It felt like a giant hand reaching out to grab me.

3. I shivered as I walked towards the building.

4. The door was open, and I walked in.

5. I saw a man sitting at a desk.

6. He looked up at me and smiled.

7. He said, "Welcome to the office."

8. I nodded and sat down.

9. He handed me a folder.

10. I opened it and looked at the papers.

11. They were all new to me.

12. I felt a bit overwhelmed.

13. He noticed my expression.

14. He said, "Don't worry, I'll help you."

15. He pointed to the papers.

16. He said, "These are the basics."

17. I nodded and thanked him.

18. He said, "You're welcome."

19. I looked at the papers again.

20. I felt a bit more confident.

21. He said, "Let me know if you need anything."

22. I nodded and said, "Thank you."

23. He said, "You're welcome."

24. I looked at the papers again.

25. I felt a bit more confident.

26. He said, "Let me know if you need anything."

27. I nodded and said, "Thank you."

28. He said, "You're welcome."

29. I looked at the papers again.

30. I felt a bit more confident.

31. He said, "Let me know if you need anything."

32. I nodded and said, "Thank you."

1 Eadie tunnel?

2 A Yes.

3 Q But you don't know of your own knowledge how it got into
4 the Eadie tunnel?

5 A It evidently came in from these wells and the develop-
6 ment into the head of the Eady tunnel.

7 Mr. Britt: We ask that the statement as to where it evident-
8 ly came from be stricken out as a conclusion of the witness.

9 Mr. McKinley: I don't care; it may as well be stricken out.
10 I think Mr. Stowell testified where it came from.

11 The Court: Stricken out.

12 Q Now, Mr. Leeke, you had that water during the summer of
13 1899 as I understand it?

14 A Yes, sir-- 1898.

15 Q 1898. Do you know whether anybody else was receiving
16 water from the same sources at that time coming out of the
17 Eadie tunnel?

18 A Not from my own observation.

19 Q Did the San Antonio Water Company conduct any pumping
20 plant on that Stowell property that year-- on the 90-acre
21 tract-- in 1898?

22 A I think it was in 1899 they conducted a pumping plant.

23 Q Can you ascertain in regard to that date?

24 A I will.

25 Q That 30 inches was used during all the irrigating season?

26 A Yes, sir.

27 Q You are familiar with the raising of citrus fruits and
28 irrigation and were during all these years?

29 A Yes, sir.

[illegible]

1 Q Will you state what is the irrigating season, Mr. Lecke,
2 and also how it varies and for what reasons?

3 A The length of the irrigating seasons depends on the rain-
4 fall. There are some years when the irrigating season ex-
5 tends practically through the winter there. There are other
6 years when it extends from March to quite late in the fall.
7 It simply is circumscribed by the rainfall-- early or late--
8 or winter rainfall.

9 Q Now with reference to this water of these Stowell devel-
10 opments covered by this contract-- that contract is shown
11 to have been made in 1899-- when did you first receive wat-
12 er under that contract?

13 A Very early in the year. Very soon after the contract
14 was completed. There was a very great desire to see that
15 water as soon as possible on account of the extreme necessit-
16 ies of our groves.

17 Q How was it given to you at that time? That is, how was
18 it delivered to you?

19 A It was delivered to us through a pipe at about a half
20 a mile from the mouth of the Ladie tunnel, west to the bor-
21 der of the Ontario Colony lands,-- the eastern border.

22 Q Who constructed that pipe line?

23 A Up to that point it was constructed by Mr. Stowell or
24 the Fruit Land Company as part of the contract that the pipe
25 line should be constructed from that point. The San Antonio
26 Water Company constructed the pipe line through the unculti-
27 vated lands over to what is now the city of Uplands.

28 You saw the pipe line constructed?

29 A I saw it in process of construction; yes.

1. The first group of people who are not allowed to enter the country are those who are considered to be a threat to national security. This includes anyone who is involved in espionage, terrorism, or other activities that could harm the country.

4. The Journal of the Institution occupies an important

— 22 —

1980-1981

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doi:10.1371/journal.pone.0142802.g002

What a little is worth a great deal of it, and so on.

Journal of Management Education 32(10)

the first time Company is part of the national bid for

I have already mentioned that the first of these is the fact that the

Received 10 May 2006; accepted 10 May 2006

You are the only person

...car...to...of...I...A

1 Describe generally what its appearances were as the work
2 went on with reference to its being concealed or open to the
3 public gaze.

4 It was open to public inspection and no attempt at con-
5 cealment; an absolutely open and free proposition, and quite
6 near the main traveled road between Ontario and Uplands and
7 the City of San Bernardino,-- only a few hundred feet from
8 the road.

9 And that pipe line conducted the water from the mouth of
10 the Ladio tunnel?

11 A Yes, sir.

12 How was the water gotten into the Ladio tunnel from the
13 well?

14 The Ladio tunnel was extended or had been extended up
15 to the wells or very near to them and the water was simply
16 allowed to run into the tunnel.

17 Put into a shaft? Was there a shaft connected with the
18 tunnel?

19 There was a shaft there, I think. I never looked into
20 that matter very closely.

21 Didn't you say there was a series of shafts?

22 At that time I will say there was a shaft.

23 What amount of water did the San Antonio Water Company
24 receive that summer from that source, approximately?

25 Somewhere from 80 to 100 inches.

26 How has it been in subsequent seasons? The same or less
27 or an increased amount?

28 It was increased as the developments proceeded at the
29 head of the tunnel. The water increased until the volume

1 became 130 inches or more.

2 Q By what time had it become 130 inches?

3 A Without reference to the records or measurements I
4 cannot state that.

5 Q And have those waters been received continuously since
6 that time by your company?

7 A Yes, sir.

8 Q What use has been made of them?

9 A They have been used in irrigating the orchards of the
10 Ontario colony and for the domestic supply of the city of
11 Ontario, and outlying ranches.

12 Q You are, I believe, also manager of the Ontario Power
13 Company?

14 A Yes, sir.

15 Q How long have you been manager of that company?

16 A Since May, 1902.

17 Q Will you state, Mr. Leeke, what waters the Ontario
18 Power Company has been taking from that locality and how
19 they acquired them?

20 A I am not very familiar with the work of the Ontario Pow-
21 er Company previous to May 12, 1902.

22 Q That is the time at which you became general manager?

23 A Yes, sir.

24 Q And at that time the San Antonio Water Company bought
25 the stock of the Ontario Power Company?

26 A A few days previous to that.

27 Q What waters did they have in their possession at that
28 time?

29 A They had in their possession the deed to the Ladie tun-

[illegible]

1 nel and the right of way over the surface, with the excep-
2 tion of the right of way held by the San Antonio Water Com-
3 pany for 130 inches of water.

4 Mr. McKinley: We will introduce those deeds. I am not seek-
5 ing to show the title now.

6 A And the right of the Cucamonga Water Company to use the
7 tunnel up to one-half of its capacity.

8 Q Proceed.

9 A A ndwell no. 14 on the exhibit here, within about 80
10 feet of the upper end of the Eadie tunnel, which was at
11 that time being connected with a gallery by a contractor under
12 contract with the Power Company-- connected with a gallery
13 to the end of the Eadie tunnel.

14 Q Will you point that well out here?

15 A This is it.

16 Q It is the well marked as well no. 9 on defendants' ex-
17 hibit "E"?

18 Mr. Stevens: That is the same as our well no. 14?

19 Mr. McKinley: Yes; he called it 14, but on our exhibit it
20 is marked 9.

21 A This gallery was rapidly completed and the water was
22 conducted through it from well no. 9 into the end of the
23 Eadie tunnel a very short time after I became manager of
24 the Power Company. A siphon was placed in this gallery and
25 the water to the extent of 150 inches or more was turned
26 through this siphon and turned into the Eadie tunnel.

27 ~~A~~ And then carried on from that through the tunnel and through
28 the pipelines to our orange groves.

29 Q What pipe lines was that carried through?

1. The first thing I noticed when I stepped out of the plane was the cold. It was a sharp contrast to the warm, humid air of the tropics. I shivered as I walked towards the terminal, my hands tucked into my pockets. The ground was wet from a recent rain, and the puddles reflected the bright lights of the airport. I looked up at the sky, where a few stars were beginning to appear. It was a beautiful sight, and I felt a sense of peace. I had finally reached my destination, and I was ready to start my new life.

2. The next thing I noticed was the sound of the airport. It was a constant hum of activity, with planes taking off and landing, and people moving about. I felt a sense of excitement, but also a little bit of nervousness. I had never been to an airport before, and I didn't know what to expect. I looked around, trying to find my way to the baggage claim. I saw a sign that said "Baggage Claim" and I followed it. I was a little lost, but I kept going. I finally found the baggage claim carousel, and I waited for my luggage. It took a while, but I finally found it. I was relieved, and I felt a sense of accomplishment. I had made it through the airport, and I was ready to start my new life.

3. The third thing I noticed was the smell of the airport. It was a mix of different scents, from the clean, sterile smell of the terminal to the strong, pungent smell of the food court. I felt a sense of curiosity, and I decided to go to the food court. I saw a long line of people waiting for food, and I felt a little bit of disappointment. I didn't want to wait in line, so I decided to go to the counter. I ordered a sandwich and a drink, and I waited for my food. It took a while, but I finally got my food. I was hungry, and I ate it quickly. I felt a sense of satisfaction, and I was ready to start my new life.

4. The fourth thing I noticed was the sight of the airport. It was a large, modern building with a glass facade. I felt a sense of awe, and I decided to go to the top of the building. I saw a sign that said "Observation Deck" and I followed it. I was a little nervous, but I kept going. I finally reached the observation deck, and I looked out at the city. It was a beautiful view, and I felt a sense of peace. I had finally reached my destination, and I was ready to start my new life.

5. The fifth thing I noticed was the feeling of the airport. It was a mix of different feelings, from the excitement of a new adventure to the nervousness of a new life. I felt a sense of hope, and I decided to go to the baggage claim. I saw a sign that said "Baggage Claim" and I followed it. I was a little lost, but I kept going. I finally found the baggage claim carousel, and I waited for my luggage. It took a while, but I finally found it. I was relieved, and I felt a sense of accomplishment. I had made it through the airport, and I was ready to start my new life.

1 A That was carried in the early part of the season through
2 the pipeline that was originally laid for the 130 inches o f
3 water previously purchased by the San Antonio Water Company,
4 with the exception of 60 inches. There was 60 inches of tha
5 water that had been previously contracted for by the Cucamonga
6 Water Company, and during that season those 60 inches
7 were turned over under contract for certyain remuneration
8 to the Cucamonga water Company. The remainder of that water
9 was turned in and conducted along with the 130 inches of
10 the San Antonio Water Company to the colony of Ontario.

11 Q Domyou know what was done with that water by the Cucamonga
12 Water Company?

13 A I can't say directly. I presume that I know pretty
14 well; but not having looked into the matter I don't know as
15 I am competent to be a witness.

16 Mr. Britt: For my own information, may I interject a ques-
17 tion?

18 Mr. McKinley: Yes; I have no objection.

19 Mr. Britt: Q 60 inches of what water? From this new well?

20 A Pumped from this new well; yes, sir.

21 Q No. 14 or 9?

22 A No. 9.

23 Mr. McKinley: (Resuming) How much water did the San Antonio
24 water Company receive that season? Or, rather, the Ontario
25 Power Company?

26 A The Ontario Power Company received, I presume, about 100
27 inches of that water.

28 Q Now that was during the season of 1902?

29 A Yes, sir.

The following information is for your information only. It is not intended to be used as a basis for any action.

1. The first step is to identify the problem. This involves understanding the situation and the goals that need to be achieved. It is important to gather all relevant information and to consider the perspectives of all stakeholders involved.

11-11-11

THE UNIVERSITY OF CHICAGO

10. *Journal of the American Medical Association*, 1991; 265: 1000-1001.

1. The first group of authors (e.g., [1, 2]) considers the problem of the control of the motion of a mechanical system with a variable structure. The control is assumed to be piecewise constant in time. The control is determined by the solution of a problem of the control of a mechanical system with a fixed structure. The control is determined by the solution of a problem of the control of a mechanical system with a fixed structure. The control is determined by the solution of a problem of the control of a mechanical system with a fixed structure.

1 Q Now you say it was carried for a time in the pipeline--

2 A Of the San Antonio Water Company.

3 Q -- The pipe line for the 130 inches?

4 A Yes, sir.

5 Q What disposition was subsequently made of it or in what
6 way was it subsequently carried?

7 A The Ontario Power Company began the construction of a
8 new pipe line to connect with the Eadie tunnel, and it was
9 pushed to completion, the pipeline extending from the Eadie
10 tunnel over past the box at the east boundary of the Ontario
11 colony lands, through to what is now Upland, and there dis-
12 tributed through several mains and put into a general dis-
13 tributing box-- put into several mains into the general
14 distributing system of the San Antonio Water Company.

15 Q Under what arrangement? It was delivered to the San An-
16 tonio Water Company by the Ontario Power Company?

17 A At least the major part of it was delivered by the Ontario
18 Power Company to the San Antonio Water Company.

19 Q Under what sort of an agreement?

20 A Under an agreement that the Ontario Power Company should
21 pay--

22 Q Was that a written agreement?

23 A I think it was simply by resolution. At last, it has
24 been carried out from that day to this.

25 Q By resolution of each of the companies?

26 A I am not sure about that.

27 Q You will look that up. That was during the season of
28 1900, as far as the 100 inches was concerned?

29 A 1902.

1890, at the 22nd Annual Meeting

of the Society, held at the Hotel

at New York City, N. Y.

on the 22nd of December, 1890.

The following resolutions were

adopted by the Society, at its

annual meeting, held at the

Hotel

at New York City, N. Y., on

the 22nd of December, 1890.

Resolved, That the Society

do hereby express its appreciation

of the services rendered by the

Executive Committee, and

of the members of the Society,

who have labored for the

advancement of the cause of

the oppressed, and who have

been faithful to the principles

of the Society, and who have

been true to the cause of the

oppressed, and who have been

faithful to the principles of the

Society, and who have been

true to the cause of the

oppressed, and who have been

faithful to the principles of the

1 Q Yes; that is what I meant. In the subsequent seasons what
2 amount of water was received from that source approximately?

3 A I am trying to recall the engineer's measurement. I can
4 only give a general statement. The product of that well and
5 that water bearing land belonging to the Ontario Power Com-
6 pany afforded about 150 inches of water.

7 Q When you say the well and the water bearing land I un-
8 derstand you to mean the water that came in there was part
9 of it from the well and part of it from the extension of the
10 tunnel and the galleries, and it is all measured together
11 and you are not able to separate them?

12 A Yes, sir.

13 Q What use has been made of that water by the San Antonio
14 Water Company?

15 A It is conducted through its pipes to the stockholders
16 of the San Antonio Water Company and they have used it on
17 their groves and for domestic purposes in Ontario and Uplands.

18 Q In what business was the Ontario Power Company engaged
19 prior to the purchase of the stock by the San Antonio Water
20 Company?

21 A Some preliminary work in San Antonio Canyon in the way
22 of establishing a power plant, extending the Badie tunnel
23 to the north. The contract for it which afterwards came
24 into our possession indicated that it was a part of their
25 plans to run that tunnel up as far as 16th Street.

26 Q What business has the company carried on since that time?

27 A Since I became manager of the company we have completed
28 the development of the water at well no. 9 and have estab-
29 lished a power plant in San Antonio Canyon whereby we supply
the citizens of Ontario with light and power.

1 I have been thinking of you very much lately, and
2 I am sure that you are doing very well. I
3 am very glad to hear that you are well and
4 only hope to hear from you again. I am
5 very glad to hear that you are well and
6 I am sure that you are doing very well. I
7 am very glad to hear that you are well and
8 I am sure that you are doing very well. I
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28 I am sure that you are doing very well. I
29 am very glad to hear that you are well and
30 I am sure that you are doing very well. I

1 Q And what have you done in the way of distribution of
2 water?

3 A We leased the right from the San Antonio Water Company
4 to pass a certain amount of water through their pipe lines
5 and immediately begun the distribution of domestic water to
6 parties in the colony not connected with the domestic systems
7 of Uplands and Ontario. I mean the domestic distribution
8 systems.

9 Q The business of this company is carried on by the sale
10 of and distribution of electric power and the water for
11 domestic purposes?

12 A Yes, sir; and also the rental of water to the San Antonio
13 Water Company

14 Q There is no division of water or power among the stock
15 holders of this company?

16 A None whatever. It is placed on a commercial basis.

17 Q To how large a number of persons do you supply domestic
18 water?

19 A I can't give you a very definite answer as to that, but
20 I presume about 300.

21 Q Has the number of persons taking domestic water been
22 increasing since you ~~gained~~ began business?

23 A That answer was not persons but families.

24 Q Has the number of families been increasing?

25 A Yes.

26 Q How long have you been carrying on that business?

27 A Since 1902.

28 Q And over what territory are those families scattered?

29 A They are scattered over the colony outside of the thick-

1 The first part of the report is devoted to a description of

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1 ly settled portions of Upland and Ontario,-- outside of the
2 towns themselves.

3 Q Outside of the corporate limits?

4 A Not outside of the corporate limits. The corporate lim-
5 its take in the whole thing. It is simply a thickly
6 settled portion of the corporations.

7 Q In other words, I suppose where the plants of the munici-
8 palities of Upland and Ontario do not extend? Is that right?

9 A Yes, sir; that is right. There are one or two little side
10 ~~companies~~ companies that cover some territory, but not much.

11 Q How is the business of the Ontario Power Company carried
12 on as to being connected in any way with the carrying on of
13 the business of the San Antonio Water Company?

14 Mr. Britt: Give us facts and not mere opinions.

15 Q That is what I am asking for.

16 A The Ontario Power Company is carried on distinctly
17 separate from the business of the San Antonio Water Company.

18 Mr. Britt: I ask that the answer be stricken out as not
19 responsive to the question. The question was as to how
20 the business was carried on.

21 The Court: I suppose he is in a position to know the fact.

22 Mr. Britt: I think the question called for a statement of
23 the manner in which the business of these two companies is
24 transacted-- how it is carried on.

25 Mr. McKinley: I am going on into the details of that and if
26 I do not counsel doubtless would on cross examination.

27 Mr. Britt: It is one of the ultimate facts raised by the
28 pleadings, upon which the Court will respond.

29 The Court: I don't see that you are prejudiced. Cross exam-
ination undoubtedly will develop the true situation.

Recess until to-morrow, March 5, at 10 o'clock a. m.

THE UNIVERSITY OF CHICAGO

1. The first of these is the fact that the system is not a simple one. It is a complex one, and it is not clear that it is possible to understand it without a detailed knowledge of the system itself. This is a problem which has been discussed in the literature, and it is one which is still being discussed today.

1. In order to be able to make use of the results of the research, it is necessary to have a clear idea of the situation in the field of research. This is why it is important to have a clear idea of the situation in the field of research.

THE UNIVERSITY OF CHICAGO

1. The first step is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

IN THE
Superior Court
OF THE
County of San Bernardino

State of California

Cucamonga Vineyard Co. et al.,

Plaintiff

vs.

San Antonio Water Co. et al.,

Defendant

Vol. 24.

Friday, March 5, 1909.



Friday, March 5th, 1909. Twenty-fourth Day.

Mr. Jolliffe: Defendants offer in evidence a deed from Peter Nelson to W. T. Leeke, dated September 8th, 1902, recorded in Book 312 of Deeds, at page 219.

Deed, W. T. Leeke, to San Antonio Water Company, dated May 24th, 1906, recorded in Book 375 of Deeds, at page 132.

Deed, From Andrew Rubio to Peter Nelson, dated May 1st, 1902, recorded in Book 311 of Deeds, at page 365.

Deed, from Max Meyberg and others, trustees under the decree of distribution of the estate of I. F. Hellman, deceased, to Andrew Rubio, dated February 8th, 1907, recorded in Book 234 of Deeds, at page 395.

Decree of distribution in the estate of I. F. Hellman, deceased, dated May 6th, 1895, recorded in Book 211 of Deeds, at page 417.

(Copies or abstracts of documents here offered, and of those offered yesterday, from the records of the County, will be found at the end of this day's testimony.)

Mr. McKinley: When plaintiffs rested, we assumed that the intervenors did, but on examining the record we don't find any record of the fact that the intervenors rested, and we have no recollection that they did. I would like to understand if they have rested or not. There was no statement

OFFICIAL RECORDS

1 in regard to it. He assumed that they did.

2 Mr. Haskell: The intervenors rest, but it has been so long
3 since the trial was had before, that I am going over the
4 record. If I find that there is anything --

5 Mr. McKinley: We have no objection to your introducing
6 anything else that you desire.

7 The Court: That is, you rest for the time being.

8 Mr. Haskell: Yes; if I find anything that I have omitted,
9 I want to re-open the case.

10 Mr. McKinley: We have no objection

11 Mr. Jolliffe: In other words, you rest till you get rest -
12 ed.

13 -o-

14 B. G. COUSINS.

15 B. G. Cousins, heretofore sworn and examined, being re-
16 called by defendants, testified as follows:

17 Direct Examination.

18 Mr. McKinley: Q You testified that you had charge of
19 the sinking ^{of} the Sunset well?

20 A Yes, sir.

21 Q Did you keep any log of that?

22 A Yes, sir.

23 Q Have you got that?

24 A I think I have.

25 Q That was sunk in 1906, did you state?

26 A Yes, sir.

27 Q Will you give the log?

28 A Station C, as I have it copied in my book --

29 Mr. Britt: Would there be any objection to your witness

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1 locating the well first?

2 Mr. McKinley: Not at all. I thought it had been located.

3 A On this plaintiffs' exhibit 77, it is marked by a cir-
4 cle, and Sunset well No. 2, elevation of ground 1394, and
5 situated in the southerly portion of lot 4, block 3, Cucu-
6 monga Homestead Association.

7 Q How far is that from the "Y" tunnel, Mr. Cousins?

8 A Three-quarters of a mile to a mile.

9 Q Can you come nearer than that by the subdivisions there?
10 You are an engineer.

11 A It is a mile, approximately.

12 Q And how far from the springs that have been referred to
13 as the Cucamonga Springs on the east side?

14 A About a mile and a quarter, possibly a little less.

15 Mr. Haskell: I would suggest that the record would be a
16 little simpler if one map was used as far as possible in
17 locating wells.

18 Mr. McKinley: Yes, that is true. It is shown also on
19 the other map -- No, it is not on that map, but I think
20 that is sufficient. We all know approximately where it is,
21 at least I do.

22 Q Will you give the log of the well?

23 A Station 0 is the top of the ground. Station 0, to the
24 top -- I don't know what that refers to, whether it is the
25 top of the shaft or not -- Station 0 to 5, which is 5 feet,
26 is --

27 The Court: I wish you would give us the facts and not be
28 tied down by your book, which is only a memorandum. If
29 you make a statement, using the memorandum to refresh your

1 memory, we will understand it better.

2 Q Just make your statement as to what you found in going
3 down, using your log as a memorandum.

4 A Commencing at the top, or surface, whatever it is, and
5 for 5 feet I have surface soil.

6 Thence 7 feet of gravel.

7 Thence 34 feet of gravel -- this is rather unexpected to me.
8 I didn't know what was wanted. I will have to commence that
9 over again.

10 Commencing at the top, there is 5 feet of surface soil;

11 From 5 feet to 7 feet in depth is gravel;

12 Mr. Britt: Q That is, 2 feet of gravel?

13 A Yes.

14 From 7 feet in depth to 20 feet in depth is sediment.

15 From 20 feet in depth to 34 feet in depth, is gravel;

16 From 34 feet in depth to 50 feet, clay;

17 50 feet to 60 feet in depth is gravel;

18 60 feet to 92 feet is clay;

19 92 feet to 112 feet is gravel. At that point the water ap-
20 pears.

21 Q Do you know how much water you got there, -- whether
22 there was much or little?

23 A That is where it just showed.

24 112 feet to 140 is clay;

25 140 to 170 is sand and gravel;

26 170 to 206 is cement and boulders;

27 206 to 238 is dirty sand and clay;

28 237 to 264, cement and boulders;

29 264 to 268, clay;

1 288 to 298, cemented gravel;

2 298 to 305, water gravel;

3 305 to 320, gravel. And at this point, there was some
4 extra water appeared. There was a slight raise in the well
5 while they were drilling.

6 Q Is that the first appearance of additional water to what
7 you spoke of before?

8 A Yes, sir.

9 320 to 330, water gravel;

10 Q What quantities of water did you find then?

11 A We didn't know. We didn't pump it till after the well
12 was completed.

13 Q Was it a considerable quantity?

14 A There was a slight raise, but we didn't measure it.
15 It was just noticeable.

16 330 to 348 is clay and sand;

17 348 to 375 is clay;

18 375 to 387, gravel and boulders and fine sand;

19 387 to 400, fine sand;

20 400 to 450 is clay and sand;

21 450 to 546 is hard clay. And that is the end. That is
22 the bottom of the well.

23 Mr. Britt: Q 546 feet is the total depth?

24 A 546 feet.

25 Mr. McKisley: Q Did the water rise any in that well?

26 A Not to speak of, only at that point that I mentioned
27 here, there was a slight raise.

28 Q When you began pumping it, how much water did it produce?

29 A We pumped about 40 inches for about 2 hours, and there-

OFFICIAL REPORTER

1 after we pumped 26 hours, for the time being, and possibly
2 two weeks. After that it was dropped to the neighborhood
3 of 20 inches, or 22 or 23 inches.

4 Q What time of the year was it that you began pumping it?

5 A Some time in July, 1905.

6 Q Have you the log of the other well?

7 A Yes; I have a copy of it.

8 Q Who kept that?

9 A Mr. Stinchfield.

10 Mr. McKinley: Have you any ~~objection~~ objection to that?

11 Mr. Britt: Do you know it to be authentic?

12 A I couldn't swear to it positively.

13 Mr. McKinley: He will examine Mr. Stinchfield.

14 Mr. Britt: If this witness is morally certain --

15 A I don't think there is any question about it.

16 Mr. Britt: If he is morally certain that it is correct,
17 it may go in. Have you any reason to mistrust the correct-
18 ness of the log as you have it copied there?

19 A No, sir.

20 Q All right, go ahead. First state where it is situated.

21 Mr. McKinley: Q Yes, locate it on the map.

22 A On this plaintiffs' exhibit 77, it is located in the
23 north-west corner of Lot 5, Block 8, Cucamonga Homestead
24 Association, and indicated by a circle marked "Sunset Well
25 No. 1, elevation of ground 1391; May 11, 1905, elevation
26 of water 1300."

27 Q What distance is it from the other well?

28 A About 7 or 8 hundred feet.

29 Q Proceed, and give that log.

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A 0 feet to 30 feet, surface soil. That is the tunnel level. 110 is the shaft depth.

110 to 152, gravel;

152 to 212, clay;

212 to 320, clay and gravel;

320 to 372, clay;

372 to 500, clay, and as I have it here, it is intercepted with 4 feet of sand and 6 feet of sand and gravel. Just at what points those are, I don't know. The notes don't show it.

500 to 640, is clay;

640 to 652 is gravel;

652 to 712, clay;

712 to 722, sand and gravel;

722 to 782 is hard clay;

782 to 788, gravel;

788 to 831, hard clay;

831 to 842, gravel;

842 to 856, good gravel. 9 feet raise of water in the well.

856 to 864 is very hard clay;

864 to 866 feet 10 inches, hard clay.

Q That is all, is it?

A Yes, sir.

Q You were supervising the pumping of both of those wells during the summer of 1905?

A Yes, sir.

Q What amount of water was produced from the first well, the one of which you have just given the log?

A In the neighborhood of 30 inches.

1. The first part of the report is devoted to a general
 description of the project and its objectives. It is
 followed by a detailed description of the methodology
 used in the study. The third part of the report
 presents the results of the study, and the fourth
 part discusses the conclusions and the implications
 of the findings. The report is written in a clear
 and concise style, and it is well organized and
 easy to read. The data presented in the report
 is accurate and reliable, and the conclusions
 drawn from the data are well supported by the
 evidence. The report is a valuable contribution
 to the field of research, and it is highly
 recommended for reading by all those interested
 in the subject.

1 Q Was that running about the same all through the season?

2 A Yes, sir.

3 Q Did you notice any effect on the one well by the pump-
4 ing of the other?

5 A We started the well No. 1 some time previous to well No.
6 2, and after the pump had been operated a week, possibly,
7 we noticed the water lowering slightly in well No. 2; and
8 after the pump was installed -- when the pump head was put
9 in the bottom of the shaft, and the shaft was sunk to the
10 water level, it was covered up, and I don't know what the
11 effect of it was afterwards.

12 CROSS EXAMINATION.

13 Mr. Britt: Q When was the well No. 2, the first one of
14 which you gave the log, sunk? It was pumped first in July
15 1905. When was it drilled?

16 A It was drilled in the early part of that year, or the
17 latter part of the year before. Immediately the drilling
18 was completed, we went to work to install the machinery
19 and complete the well.

20 Q You pumped it, then, very soon after it was completed
21 to the full depth of 546 feet?

22 A Yes, sir.

23 Q So that well was completed some time in the early sum-
24 mer of 1905?

25 A Yes, sir.

26 Q When was No. 2 completed -- the drilling -- No. 1?

27 A I couldn't state that because I don't know personally.
28 It was some two or three years previous.

29 Q What was the diameter of the two wells?

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2. has been duly constituted and organized

3. I hereby certify that the Commission

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1 A It was started with a 15-inch casing, and reduced to 12
2 at No. 2.

3 Q Do you know anything about the water pumped from these
4 two wells last year-- 1908-- as to quantity?

5 A The sum total of the two wells was in the neighborhood
6 of 52 inches.

7 Q Was that measured by yourself?

8 A I remember making a measurement at one time.

9 Q When?

10 A I don't know; it was some time during the summer.

11 Q Last summer? 1908?

12 A Yes, sir.

13 Q Do you know what length of time they were operated?

14 A They began operations the last of May and continued last
15 year until the latter part of November.

16 Q Do you know whether they operated all the time?

17 A Continuously, except in case of breakdown.

18 Q Day and night?

19 A Day and night, continuously.

20 Q And what time was it that you made your measurement? How
21 long had it been operating when you made your measurement of
22 52 inches?

23 A I think, possibly, it was two months. I didn't make any
24 note of it.

25 Q Now, the previous year, 1907, did you make any measure-
26 ment of the water of those two wells?

27 A Yes, I did, several times, but I can't remember the times.

28 Q Was it during the irrigating season after they had been
29 pumped quite a while?

A. I am not sure if I have ever been to the
 B. I have been to the city many times.
 C. I have been to the city many times.
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 Y. I have been to the city many times.
 Z. I have been to the city many times.

1 A Yes, sir.

2 Q How was the quantity produced then compared to what you
3 had in 1908?

4 A At times it was about 50 inches, and in the latter part
5 of the season it was not quite so much, and it ran down to
6 about 50 inches.

7 Q In 1906 did you make any measurement of the water of
8 those wells during the irrigating, or pumping, season?

9 A That is pretty well back; I don't remember, but probably
10 I did. I have no doubt I did. The quantity of water was about
11 the same.

12 Q You say you don't know when well No. 1 was sunk?

13 A Only by hearsay.

14 Q When was it that you observed that after pumping well
15 No. 1 a while that well No. 2 showed a lowering of the water?
16 In what season?

17 A That was in 1905.

18 Q What time in the year?

19 A It was just before we commenced pumping well No. 2. While
20 we were putting in machinery in well no. 2.

21 Q That was probably about June, then, 1905?

22 A Yes, sir.

23 Q At what depth did the water stand normally when unpump-
24 ed in well no. 1-- the depth below the surface?

25 A From 90 to 92 feet.

26 Q That is, in well no. 1?

27 A Yes, sir.

28 Q 92 feet below the surface of the ground?

29 A Yes, sir; from the top of the curbing, which was about a

A. The first thing I noticed when I stepped out of the car was the smell of the sea. It was a fresh, salty breeze that seemed to wash over me. I took a deep breath and felt a sense of peace. The sun was shining brightly, and the water was a beautiful blue. I walked along the beach, feeling the sand under my feet. The waves were crashing against the shore, creating a rhythmic sound. I felt like I was in a dream.

B. The second thing I noticed was the sound of the waves. It was a low, steady hum that seemed to fill the air. I closed my eyes and listened to the sound. It was so soothing, so calming. I felt like I was in a safe place, a place where I could relax and let go of all my worries. The sun was still shining, and the water was still blue. I walked back to the car, feeling a sense of contentment.

C. The third thing I noticed was the taste of the sea. It was a salty, briny taste that seemed to linger on my tongue. I took a small sip of water from a bottle and felt the taste of the sea in my mouth. It was a strange, but pleasant surprise. The sun was still shining, and the water was still blue. I walked back to the car, feeling a sense of wonder.

D. The fourth thing I noticed was the sight of the sea. It was a vast, open expanse of water that seemed to stretch on forever. The horizon was a straight line that divided the water from the sky. The sun was still shining, and the water was still blue. I walked back to the car, feeling a sense of awe.

E. The fifth thing I noticed was the feel of the sand. It was a soft, warm texture that seemed to embrace me. I walked barefoot on the sand, feeling the grains between my toes. The sun was still shining, and the water was still blue. I walked back to the car, feeling a sense of comfort.

F. The sixth thing I noticed was the sound of the seagulls. It was a high-pitched, screeching sound that seemed to come from everywhere. I looked up and saw a flock of seagulls flying in the sky. The sun was still shining, and the water was still blue. I walked back to the car, feeling a sense of excitement.

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1 foot above the top of the ground.

2 Q And what was the depth from the surface of the ground to
3 water in No. 2?

4 A I have two measurements here, 92 1/2 feet and 93 feet
5 from the top of the curbing, and that is two feet from the
6 top of the ground.

7 Q So that the water in the two wells stands about at the
8 same elevation below the surface?

9 A Yes, sir; there is a very slight difference.

10 Q Can you tell us readily what the difference is in the
11 elevation of the surface of the ground at the two wells? Of
12 course, we can get it from the figures.

13 A The top of the curbings of the two shafts-- the difference
14 of elevation is about 3 feet, in round numbers.

15 Q Were either of those wells connected with a tunnel?

16 A No. 1 is, and the discharge pipe from No. 2 runs into
17 it.

18 Q What tunnel is that? Lone Star?

19 A No; it is really a pipe line, and it is 30 feet deep at
20 well No. 1, and runs to the surface at the southerly portion
21 of the lot 1000 feet, or such a matter, south.

22 Q There is no ~~tunnel~~ tunnel that carries the water away
23 to any distance?

24 A No, sir.

25 Mr. Haskell: Q Have you observed the gravel coming from
26 these wells?

27 A In well No. 2 I saw some of it.

28 Q Was it worn gravel, such as you find in ordinary washes,
29 worn by streams? Yes, sir.

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... and the end

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Q Did you observe the gravel coming from well No. 1?

A No, sir; only as I saw it on the dump.

Q Was that of the same character, as you observed it? A Yes.

Q Do you know whether or not the both of these wells were being pumped at the time that you noted the falling away of water in well No. 2 or about that time?

A I would have to refer to my notes.

Q Could you tell that fact by referring to your notes?

A No, sir; I have nothing to remember that by.

RE-INTERVIEW WITH MR. BRITT.

Mr. McKinley: Q At what date were those water levels taken?

A On April 11, 1906, the water was 91-1/2 feet below the top of the curbing.

Q At each of the wells? A This is well No. 1. On May 20, 1907, the water was down 92 feet.

Q Which well? The same well? A The same well. On April 6, 1908, well No. 1, the water was down 91.7 feet.

Q Were you pumping at those dates? A On December 14, 1906, the water was down 101.6 feet. We were not pumping.

Q You were not pumping at any of the dates you have given?

A No, sir.

Mr. Britt: Q Did I understand you to say that in April, 1906 the water in well No. 1 was within one or two feet of the surface of the ground? A 91-1/2 feet below the surface on April 11, 1906.

Q And that last observation you made was 101 feet below the surface? A Yes, sir; you notice that the first elevation that I have given was in the spring of the year after the pump laid idle during the winter months, and this last measurement in December was shortly after the pumps were closed down.

1 Q Shortly after the pumping had ceased, after the sea-
2 son's irrigation?

3 A Yes, sir.

4 Q You stated that after pumping well No. 1 for about a
5 week there was a slight decline in well No. 2; what was
6 the amount of the decline?

7 A Well, from the time the pumping was commenced until we
8 got the hole covered up it was in the neighborhood of 4 feet.

9 Q What was that length of time?

10 A It might have been 3 weeks; I am not certain about
11 that time; possibly a month -- the total.

12 Q What is your recollection? How would you approximate
13 the time?

14 A About three weeks.

15 Q Was the well No. 1 pumped during all that time?

16 A Yes, sir.

17 Q About 30 inches of water?

18 A In that neighborhood, yes, sir.

19 Q Now, you have stated that the pumping was done by a pump.

20 Mr. Waters: Q By what means was this pumping done, what
21 kind of a pump?

22 A Deep well pump.

23 Q How deep?

24 A The bottom of the pump was approximately 100 feet
25 from the surface.

26 Q And submerged how deep in the water?

27 A 90 feet.

28 Q Now, what kind of a pump was it?

29 A It was a Garrett deep well pump.

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1 Q A piston pump?

2 A Plunger pump.

3 Q And consequently the plunger operated in a cylinder,
4 didn't it?

5 A The lower lifting valve operated in a cylinder in the
6 bottom of the pump column; that was situated at the very
7 bottom, and that lifted the water through a foot valve,
8 and after the water passed through this lifting valve up
9 the column, then the plunger took care of the water and
10 forced it up from the top of the pump column.

11 Q Then the water was moved from the extreme depth of how
12 deep?

13 A 190 feet.

14 Q Now, during the time of pumping and operating the pump,
15 was the water level in the well lowered or not?

16 A Yes, sir.

17 Q How much?

18 A 20 feet that I know of; and I don't know how much more.

19 Q Well, you know that it was lowered more than 20 feet?

20 A Yes, sir.

21 Q But how much further down you didn't know?

22 A I would only have to guess at it; possibly 50 feet;
23 I couldn't measure it; I tried to ---

24 Q Then you don't know the maximum, do you?

25 A No, sir.

26 Q Were both wells pumped by the same mechanism?

27 A Yes, sir.

28 Q That is, similar mechanism?

29 A Yes, sir.

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1 Q Not the same. Do you know how much either one of the
2 wells was lowered while pumping?

3 A No, sir.

4 Q How deep was the pump placed in the other well? Were
5 both wells the same depth?

6 A No, sir.

7 Q How deep was the pump put in the other one?

8 A 50 feet below the bottom of the shaft.

9 Q And what was the bottom of the shaft about?

10 A I think 90 feet.

11 Q That would be 140 feet then?

12 A Yes, sir.

13 Q You don't know how low the water was depressed in that
14 well by pumping, do you?

15 A No, sir; when we pumped -- when we first started to
16 pump, as I stated before -- 40 inches of water, we got too
17 deep down; we pumped the pump out of water, that is,
18 pumped it out of water at the times it was sunk in the water,
19 and allowed air to get into it, and break the water column,
20 and we know that on the surface by the action of the machin-
21 ery.

22 Q Then you lowered it, did you?

23 A Yes, sir.

24 Q So as to keep it submerged?

25 A No, we didn't lower the pump; we lowered the speed of
26 the machinery.

27 Mr. McInley: Q How deep do you say the shaft No. 1
28 was? There was a slight error some way. You ~~has~~ gave it
29 once 90, and once 110: Which is correct?

1. The first thing I noticed when I stepped out of the car was the smell of the sea. It was a salty, fresh scent that I had never before. I took a deep breath and felt a sense of peace wash over me. The sun was shining brightly, and the waves were crashing against the shore. I walked along the beach, feeling the sand between my toes. The water was so clear, and the fish were so big. I had heard that the fish were big, but I didn't realize how big they really were. I saw a shark swimming in the water, and I was so scared. I ran back to the car, and I called the police. They came and took me to the hospital. I was so lucky. I was not hurt. I was just a little scared. I was so lucky. I was not hurt. I was just a little scared. I was so lucky. I was not hurt. I was just a little scared.

1 90 is No. 2. It is 110 for No. 1.

2 Q No. 1 is 110?

3 A Yes, sir.

4 Q And No. 2 is 90: Is that right?

5 A Yes, sir.

6 Mr. Haskell: Q Do the pumping plants around the Red Hill
7 and in that vicinity, including the 15th Street wells,
8 cease operations in the fall of the year, all at about the
9 same time.

10 Mr. McKinley: Objected to as incompetent, and calling
11 for a general conclusion in regard to ~~it~~ it.

12 The Court: Sustained.

13 Mr. Haskell: He knows whether it is a fact or not.

14 Mr. Waters: I make the further objection that it is not
15 responsive to the direct examination.

16 Mr. McKinley: It has been sustained.

17 -o-

18 A. STINCHFIELD.

19 A Stinchfield, a witness called by defendants, being first
20 duly sworn, testified as follows:

21 Direct Examination.

22 Mr. McKinley: Q Where do you reside?

23 A Cucamonga.

24 Q How long have you lived there?

25 A 20 years.

26 Q You were connected with the Sunset Water Company?

27 A Yes, sir.

28 Q And put down well No. 1?

29 A Yes, sir.

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1 Q When did you put down that well?

2 A 1900 or 1901. I haven't any notes, but I think it was
3 1900 or 1901; 1901, I think.

4 Q Putting down that well at that depth did you strike
5 water?

6 A About 70 feet, is my recollection.

7 Q And more as you went on down. You got more water as
8 you went on down?

9 A Well, yes; of course it increased, but there was a
10 long time that we didn't get much increase.

11 Q Did it rise in the well, the water?

12 A Yes, some.

13 Q About how much?

14 A I don't believe I can tell you; I don't think I remem-
15 ber.

16 Q The record which Mr. Cousins has given us a copy, is
17 a correct record of the well? He got the copy from you?
18 Mr. Cousins got a copy of the log from you, the log that
19 he has been given here, the copy was furnished by you to
20 Mr. Cousins, has it not?

21 A Yes, sir.

22 Q And was the correct log of the well?

23 A Yes, sir.

24 Q And those notes were all correct, made as it went a-
25 long, in putting down the well.

26 A Yes, sir. The drawings of the well were all made at
27 the time, and I have the original drawings at home.

28 Q You are a stockholderx in the Old Settlers Water Com-
29 pany?

1. The first part of the report is a general introduction to the project and the objectives of the study.

2. The second part of the report is a detailed description of the methodology used in the study.

3. The third part of the report is a presentation of the results of the study.

4. The fourth part of the report is a discussion of the results and their implications.

5. The fifth part of the report is a conclusion and a list of references.

6. The sixth part of the report is an appendix containing additional data and information.

7. The seventh part of the report is a glossary of terms used in the report.

8. The eighth part of the report is a list of figures and tables.

9. The ninth part of the report is a list of abbreviations.

10. The tenth part of the report is a list of symbols.

1 A Yes, sir.

2 Q Have you ever been an officer in the Old Settlers Water
3 Company?

4 A Yes, sir.

5 Q What office did you fill?

6 A I am president of the company.

7 Q When?

8 A Now.

9 Q How long have you been president?

10 A I think this is my second year.

11 Q Did you fill any office before then?

12 A I have been a director before; it was some time ago.

13 Q How long ago were you a director?

14 A Well, I can't tell you; I would like to explain a lit-
15 tle: For the last six years, or nearly six years, until
16 I took the directory in the Old Settlers, I haven't had
17 anything to do, or much to do, with neither the Sunset or
18 Old Settlers wells. Of course it is going back five years,
19 and I haven't kept my mind charged up with it.

20 Mr. McKinley: (To Mr. Waters) Will you please, at the
21 session of the court next week, furnish the minutes of the
22 Old Settlers Water Company, to show who the officers were
23 at different dates?

24 Q Did you observe the developments made by the Stowell --
25 the wells that were put down -- and the putting down of the
26 Haskell well, and the carrying of the water by pipe lines
27 to Ontario, along at the various times when those things
28 were done?

29 A No, sir.

ORIGINAL REPORTED

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ORIGINAL REPORTER

Q Did you know anything about them?

A Well, by hearsay; I never made any examination of them at all.

Q You heard about them being done at the times they were being done?

A Yes, sir.

Q How long ago did you first know of those things being done?

A Well, I don't know; I don't think I can remember.

Q A good many years ago?

A Yes.

Q You knew there was a suit in this court with reference to the matter of the diversion of water at Ontario about the time it was pending?

A Yes, sir.

Q And you knew of the McPherson suit, to restrain the diversion of the water sold by Howell and the Tucuman Fruit Land Company to the San Antonio Water Company, at the time it was brought?

A Yes, sir.

Q That was a matter of general discussion in that neighborhood, was it not?

Mr. Britt: Objected to as immaterial, irrelevant and incompetent.

A Why, I think so.

Mr. Waters: I suppose that is offered principally as notice of to the grantors of the plaintiff, the Old Settlers Water Company.

Mr. McKinley: Yes, whatever it is worth, against the offi-

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1 cers of the Old Settlers Water Company.

2 Mr. Waters: So understanding, I did not object. He is
3 one of our grantors.

4 Mr. Britt: I infer it is not offered as evidence against
5 the Cucamonga Vineyard Company, or the Cucamonga Land and
6 Irrigation Company.

7 Mr. McKinley: The general discussion was intended to reach
8 out a little in your direction.

9 Mr. Britt: We object to it as irrelevant, immaterial and
10 hearsay, what this gentleman may have heard of the pendency
11 in the community or the pendency in the court, of that McPherson
12 case.

13 The Court: I think that objection ought to be sustained.

14 Mr. Britt: The witness having answered, I ask that the
15 answer be stricken out, the witness not having heard my
16 objection.

17 The Court: Stricken out.

18 Mr. Britt: The objection was made and the witness answered while the objection was being stated.

19
20 Mr. McKinley: Q Do you remember while these things were
21 being done, you discussed them with any of the other parties
22 who were in the Old Settlers Water Company? and who
23 formerly owned water rights which they conveyed to the Old
24 Settlers Water Company?

25 A I don't think I understand you.

26 Q My question is, whether you discussed with any of the
27 persons holding the Old Settlers rights the matter of this
28 suit, and the fact that developments were being made and
29 the water being carried over to Ontario or away from Cucamonga

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1 munga?

2 A I don't remember.

3 Q You don't know whether you did or not. That is all.

4 Cross Examination.

5 By Mr. Britt: Q That Sunset well No. 1 was sunk first
6 as a shaft, was it not?

7 A Yes, sir.

8 Q To what depth?

9 A 70 feet or 72, I am not quite positive; 70 feet I think
10 we struck water.

11 Q How long did the well remain as a shaft at that depth?

12 A When we struck water, of course we commenced to drill.

13 Q It was not an old shaft then when you began to drill?

14 A No, sir.

15 Q Now you stated that the water rose a little, raised
16 somewhat. Do you mean that when you struck the water at 70
17 feet, that it raised in the shaft?

18 A Not at the time.

19 Q Well, the fact was, that after the well was completed
20 it stood at some 90 feet below the surface, wasn't it?

21 A No, sir.

22 Q What was the fact in that regard?

23 A The water after the well was completed stood considera-
24 bly nearer the surface, but I don't remember how near, but
25 it rose above the 70 feet where we struck the water.

26 Q How long did it stand there?

27 A Well, it stood there until we installed the pump.

28 Q How soon did you install the pump?

29 A We installed a pump, and I guess the water stood there

perhaps two revolutions of the pump. e had a revolving pump; it stood there about two minutes. More than that, the pump did not make more than half a dozen revolutions before the water was gone.

Q Was that after you had completed the well?

A Well, of course we had to sink deeper.

Q What was the depth of the well when that happened?

A I don't remember; I couldn't remember without my notes, and I haven't them ~~in~~ here.

Q What was the depth --

A Of the well when it was completed?

Q It was over 800 feet, it seems, when it was completed; but at the time you did that first pumping?

A Well, I say I don't remember.

Q Well, do you know about when it was?

A No, I couldn't answer the question; I couldn't tell anything how much it was.

Q What were you pumping for then? To test the well?

A Yes, sir.

Q You took out your pumping machinery, did you, and went to drilling again?

A Yes, sir.

Q And you can't tell about what depth the well had reached at that time?

A No, sir.

Q Was it half as deep as the well was ultimately bored to-- as the depth to which the well was finally bored?

A I don't remember.

Q Can't you give us any idea of that?

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J. HENRIKSEN
SUPERIOR COURT

A I don't think I have.

Q Could you tell by reference to your log?

A I might. I don't know whether that shows on the chart or not; I can't remember that.

Q You have got a chart of the well, have you?

A Well, Mr. Cousins has a copy of the same one here.

Q The same chart?

A Yes, sir, I think he has it here. KK.

Mr. McKinley: Q You drilled further after that time when you tried to test the well?

A Yes, sir.

Q It was not a matter of sinking the shaft deeper, but you drilled it deeper?

A Drilled, yes, sir.

Mr. Curtis: Q You say at the time the Sunset well was dug, you were an owner in the Old Settlers well, or the Old Settlers Company?

A Yes, sir.

Q Were there any other of the Old Settlers people in the Sunset Company?

A Yes, sir.

Q Who?

A D. R. Kilbourne.

Q And others?

A I was trying to think. I think Mr. Davenport, but I am not quite certain.

Q Any others?

A I don't remember.

1. I have been thinking about you a great deal lately.
2. It is the only way I can find to express my feelings.
3. I hope you will understand me and love me as I love you.

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26. It is the only way I can find to express my feelings.
27. I hope you will understand me and love me as I love you.

1. JUDGE
SUPERIOR COURT

Q You don't remember any others?

A No, I don't think I do. There are so many different companies interlocked with one another it is hard to segregate them.

Q The Old Settlers Company was not incorporated at that time, was it?

A No, sir.

Q Do you remember of talking with any of the Old Settlers owners about the sinking of the Sunset well at the time it was sunk?

A Well, I don't know.

Q You don't know whether you did or not?

A No, I don't; I can't remember.

Q Do you know whether any of the other owners besides yourself and those that you have mentioned here of the Old Settlers rights, knew that the Sunset well was being sunk by the Sunset people at the time it was sunk, the well No. 1?

A Well, I presume that all of them knew it.

Q It was a matter of general conversation?

A It was.

Mr. Britt: I move to strike that out as a matter of conclusion.

The Court: Stricken out.

Q Do you know whether it was discussed by them or not?

A I do not.

Q You had charge of putting the well down?

A Yes, sir.

Q Did you have charge of putting in the pipe line afterwards, that led from the well to the stockholders?

1. The first thing I noticed when I stepped out of the plane was the fresh air. It felt like I had been in a bubble for the last few days. The sun was shining brightly, and the birds were singing. It was a beautiful sight. I had heard that the weather was great, but I didn't realize how good it would be. I was lucky to have a good first experience. The flight was smooth, and the crew was friendly. I was in good luck. The first thing I noticed when I stepped out of the plane was the fresh air. It felt like I had been in a bubble for the last few days. The sun was shining brightly, and the birds were singing. It was a beautiful sight. I had heard that the weather was great, but I didn't realize how good it would be. I was lucky to have a good first experience. The flight was smooth, and the crew was friendly. I was in good luck.

2. The second thing I noticed was the beautiful view. The plane was flying over a vast, green landscape. The fields were lush and green, and the trees were tall and leafy. It was a beautiful sight. I had heard that the landscape was great, but I didn't realize how good it would be. I was lucky to have a good first experience. The flight was smooth, and the crew was friendly. I was in good luck.

3. The third thing I noticed was the friendly crew. The flight attendant was smiling and welcoming. She was a young woman with dark hair and a friendly smile. She was very helpful and friendly. I had heard that the crew was great, but I didn't realize how good it would be. I was lucky to have a good first experience. The flight was smooth, and the crew was friendly. I was in good luck.

4. The fourth thing I noticed was the smooth flight. The plane was flying smoothly and comfortably. I was in good luck. The flight was smooth, and the crew was friendly. I was in good luck.

5. The fifth thing I noticed was the beautiful view. The plane was flying over a vast, green landscape. The fields were lush and green, and the trees were tall and leafy. It was a beautiful sight. I had heard that the landscape was great, but I didn't realize how good it would be. I was lucky to have a good first experience. The flight was smooth, and the crew was friendly. I was in good luck.

6. The sixth thing I noticed was the friendly crew. The flight attendant was smiling and welcoming. She was a young woman with dark hair and a friendly smile. She was very helpful and friendly. I had heard that the crew was great, but I didn't realize how good it would be. I was lucky to have a good first experience. The flight was smooth, and the crew was friendly. I was in good luck.

7. The seventh thing I noticed was the smooth flight. The plane was flying smoothly and comfortably. I was in good luck. The flight was smooth, and the crew was friendly. I was in good luck.

8. The eighth thing I noticed was the beautiful view. The plane was flying over a vast, green landscape. The fields were lush and green, and the trees were tall and leafy. It was a beautiful sight. I had heard that the landscape was great, but I didn't realize how good it would be. I was lucky to have a good first experience. The flight was smooth, and the crew was friendly. I was in good luck.

9. The ninth thing I noticed was the friendly crew. The flight attendant was smiling and welcoming. She was a young woman with dark hair and a friendly smile. She was very helpful and friendly. I had heard that the crew was great, but I didn't realize how good it would be. I was lucky to have a good first experience. The flight was smooth, and the crew was friendly. I was in good luck.

10. The tenth thing I noticed was the smooth flight. The plane was flying smoothly and comfortably. I was in good luck. The flight was smooth, and the crew was friendly. I was in good luck.

Q Yes sir.

Q Will you give a general idea of how that work was carried on, especially the laying of the pipe line?

A Well, the pipe line I think is -- we run a tunnel from Base Line to the well, and we capped the well at 30 or 32 feet from the surface.

Q How long was that tunnel, about?

A Well now, I can't tell; I think we were about $2/3$ or $3/4$ the width of the 10 acre piece. I think so. It is nearer the north end -- the well is sunk -- we purchased 10 acres from Mr. Stanton, and the well is nearer the north end -- well within two or three hundred feet of the north end; and the tunnel runs to the Base Line, or possibly not quite -- simply put the pipe underground.

Q What Mr. Stanton? What were his initials?

A Well, we bought the ten acres of ground from Mr. Stanton to sink the well on.

Q Was he a member of the Old Settlers Company at that time?

A No, sir, ~~he~~ never was.

Q Well, go on and explain the work, of putting in the pipe line from the mouth of the tunnel on down to the lands of the stockholders of the Sunset Water Company.

A We laid a steel pipe -- it is all steel pipe; the first is 12 inches in diameter; that runs down to the corner of Base Line and Archibald Avenue; then there is a branch runs from Archibald Avenue to slightly past Turner Avenue; I don't remember how many feet; then going down Archibald Avenue, I don't remember exactly how far, we reduced to

I. BENJAMIN
SUPERIOR COURT

1 to ten inches; we went on down further and reduced to
2 eight, I think, and further down six; and finally five
3 at the last end.

4 Q Was the pipe laid underground?

5 A Yes, sir.

6 Q Trenches dug and pipe laid in the trenches?

7 A Yes, sir.

8 Q Was it run along the public highway, or on private prop-
9 erty?

10 A On private property.

11 Q Near the public highway?

12 A Yes, sir.

13 Q How near?

14 A Well now, I can't tell exactly how far it would be,
15 but it is only a few feet from the line.

16 Q Five feet or a hundred feet? About how far from the
17 line?

18 A It was not a hundred feet.

19 Q About how far was it?

20 A Probably 4 or 5 feet. I don't remember particularly
21 about that.

22 Q The work could be seen plainly from the highway, could
23 it?

24 A Yes, sir, it crossed the -- after going down to -- we
25 crossed the avenue from the east side -- we went down on
26 the east side, and crossed over near what was at that time
27 Capt. Ray's property, -- Mrs. Ray owns the property now --
28 and crossed over to the west side and continued down that
29 side, all on private property.

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A. BENJAMIN
SUPERIOR COURT

1 Q Was any objection ever made to your carrying on that
2 work, digging the well, or extending the pipe line by any
3 of the owners of the Old Settlers Company?

4 A No, sir.

5 Q Was any objection ever made by the Cucamonga Vineyard
6 Company?

7 A Never; not to me; I don't know what else might be.

8 Q Or by the Cucamonga Land and Irrigating Company?

9 A No, sir, not to me; not that I ever heard of.

10 -o-
11 L. E. DILLMAN.

12 L. E. Dillman, previously sworn, being recalled for fur -
13 ther cross-examination, testified as follows:

14 Cross Examination.

15 By Mr. Britt: Q You were requested the other day to pro-
16 duce a log of the Sourwine well. Have you it with you?

17 A Yes, sir.

18 Q And at that time, you read the log into the record?

19 A Yes, sir.

20 Q Was that log kept by yourself, or was it under your
21 direction?

22 A It was kept by the drillers, and I took a copy of it.

23 Q Then you were requested to produce a record of the
24 quantity of the water pumped from the well, you stating
25 that you had a record of it.

26 A Yes, sir.

27 Q A record of the quantity of water extracted from the
28 well. Have you such record now in court?

29 A I have a ^{tabulated} ~~typewritten~~ list of the days, that is days by

1. The first object of the present paper is to show that the
2. results of the preceding paper are not only correct but also
3. that the method of proof is not only correct but also

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1 the month, and the amount of water pumped each month.

2 Q And this tabulation is drawn from the original record,
3 is it?

4 A Yes, sir, in a great measure.

5 Q And from what other sources? You say it is drawn in a
6 great measure from the original record?

7 A Well, I might say altogether from the original record.

8 Q This begins, the paper you now show me begins August
9 19th, 1901: Was that the time when you began to take water
10 by means of a pump from the Sourwine well for purposes of
11 irrigation?

12 A We had a 48 hour run in May previous, as a test, and
13 we irrigated the ten acres at the well with it.

14 Q When you began to pump in August, 1901, what did you do
15 with the water?

16 A It was carried through the pipe line to the stockholders
17 for distribution.

18 Q Where?

19 A Mr. Sourwine's place, north-west of base line, and to
20 the Mountain View tract south-west of Mr. Sourwine.

21 Q Those places are how far distant from the Sourwine well,
22 the ten acres on which the well is situated?

23 A Mr. Sourwine's place was about four miles and the Mountain View tract about a mile further.

24 Q To the westward?

25 A Yes, sir; southwestward.

26 Q Now, this tabulation, I will allow you, if you please,
27 to state here what it contains and what the figures mean.

28 A You wish me to read it?

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SUPERIOR COURT

Q Well, no, the tabulation will be here and filed with the record. Just tell us what the various figures mean. The left-hand column of the sheet shows the year, does it?

A The left-hand column shows the year. The next column shows the month, and day of the month when measurements were made. It shows where measurements were made and when pumping. The time pumped, August 19th to 31st.

Q Then the third column.

A It shows the number of days run during that time.

Q And the fourth column?

A The fourth column the days stopped during the time; and the fifth and sixth column gives the totals of runs and stops during the year, during the fiscal year. The last column shows the miners inches pumped each month.

Q Now for example, reading across the page, the first entry is, 1901, August 19th to 31st, days run 13, and inches pumped 40. That means 40 inches pumped for 13 days, does it?

A An average head.

Q During the 13 days?

A Yes, sir.

Q Then the next line is, September, 1901; days run 26½ days; days stopped 3½; and the inches pumped 40; that means that 40 inches were pumped for 26½ days during September, 1901, does it?

A That is the meaning of it; yes, sir.

Q Then this shows that the pump was operated for 50 days in 1901 for 144½ days in 1902; 103½ in 1903; 110½ in 1904. That is right, is it?

1. The first part of the report is devoted to a general
2. description of the work done during the year.
3. The second part contains a detailed account of the
4. various experiments conducted, and the results obtained.
5. The third part is devoted to a discussion of the
6. results, and to a comparison of the work done with
7. that of other workers in the field.
8. The fourth part contains a summary of the work
9. done, and a list of the references.
10. The fifth part is devoted to a discussion of the
11. results, and to a comparison of the work done with
12. that of other workers in the field.
13. The sixth part contains a summary of the work
14. done, and a list of the references.
15. The seventh part is devoted to a discussion of the
16. results, and to a comparison of the work done with
17. that of other workers in the field.
18. The eighth part contains a summary of the work
19. done, and a list of the references.
20. The ninth part is devoted to a discussion of the
21. results, and to a comparison of the work done with
22. that of other workers in the field.
23. The tenth part contains a summary of the work
24. done, and a list of the references.
25. The eleventh part is devoted to a discussion of the
26. results, and to a comparison of the work done with
27. that of other workers in the field.
28. The twelfth part contains a summary of the work
29. done, and a list of the references.
30. The thirteenth part is devoted to a discussion of the
31. results, and to a comparison of the work done with
32. that of other workers in the field.

J. BENJAMIN
SUPERIOR COURT

A That is right; that is correct.

Q In 1905, 46 days.

A Yes, sir.

Q In 1906, 70 days; in 1907, 69½ days, and in 1908, 99 days?

A That is true.

Q Now it seems, take 1902 for example, in the month of July there are 25½ days of operation of the pump. Is that correct?

A Yes, sir.

Q And the number of inches pumped was 40. That means there was an average of 40 inches on each of the 25½ days, does it?

A It was an average continuous head of 40 inches.

Q Was that pumping day and night?

A It was day and night, except with breakdowns.

Q In 1904, I notice that the quantity of water declined, sometimes to 36½ inches, sometimes 35, and as low as 30, and in recent years, that is 1905 to 1908 it has been ordinarily 35 inches: Was that because the water supplied by the well diminished or because for some reason or other you needed less water?

A Until the close of 1904 we used a Worthington steam pump, requiring a suction; and towards the latter end of the season of 1904, our pump was not working quite as well, and the water was lowered until we would reach suction limit if we pumped a larger head of water. We diminished the quantity of water to keep within suction. In the beginning of 1905, we changed from a steam pump to a deep well pump,

1 which throws 35 inches of water, which accounts for the
2 continuous head of 35 inches the following four years. I
3 will say that during the last four years that we have never
4 lowered the water out of the shaft, there being an increased
5 supply of water.

6 Mr. Britt: We offer the tabulation presented by Mr. Dillman
7 in evidence, and ask that it be marked plaintiffs' exhibit
8 79.

9 Said tabulation is admitted in evidence, marked plaintiffs'
10 79, and is here extended to the record as follows:

11	July	1887	14.0	14.0
12	Aug.	1887	15.0	15.0
13	Sept.	1887	16.0	16.0
14	Oct.	1887	17.0	17.0
15	Nov. 1-30	1887	18.0	18.0
16	Dec.	1887	19.0	19.0
17	Jan.	1888	20.0	20.0
18	Feb.	1888	21.0	21.0
19	Mar.	1888	22.0	22.0
20	Apr.	1888	23.0	23.0
21	May	1888	24.0	24.0
22	June	1888	25.0	25.0
23	July	1888	26.0	26.0
24	Aug.	1888	27.0	27.0
25	Sept.	1888	28.0	28.0
26	Oct.	1888	29.0	29.0
27	Nov. 1-30	1888	30.0	30.0
28	Dec.	1888	31.0	31.0
29	Jan.	1889	32.0	32.0

PLAINTIFFS' EXHIBIT # 79.

The Upland Water Co.

	Time run by pump.	Run da.	Stop da.	Run Totals	Stop	Inches Pumped.
1901	Aug. 19-31	18				40
	Sept.	26½	3½			40
	Oct. 1 to 26	19½	7½	53	11	40
1902	April 23-30	8				40
	May	25	6			40
	June	25	5			40
	July	25½	5½			40
	Aug.	27	4 4			40
	Sept.	23	7			40
	Oct.	5	26			40
	Nov. 1-6	6		144½	53½	40
1903	June 15-30	16				40
	July	21	10			40
	Aug.	23½	2½			40
	Sept.	24	6			40
	Oct. 1-26	14	12	103½	30½	40
1904	May 19-31	3½	9½			36½
	June	20	10			37
	July	23	8			37
	Aug.	26	5			35
	Sept.	23	7			30
	Oct. 1-22	15	7	110½	46½	30

Pipe line was completed Aug. 18, 1901. Pump was started immediately as the people needed the water.

The Upland Water Co.

Time run By Pump.	Run hr.	Stop hr.	Run hr.	Stop hr.	Inches Pumped.
1905 Aug. 1	21	10			35
Sept.	15	15			35
Oct.	6	25			35
Nov. 5	<u>34</u>		46	50	35
1906 Aug. 4	20	9			35
Sept.	20	10			35
Oct.	20	11			35
Nov. 20	<u>10</u>	<u>10</u>	70	40	35
1907 June 3	17½	10½			35
July	19½	11½			35
Aug.	20½	10½			35
Sept.	19	11			35
Oct. 24	<u>14</u>	<u>10</u>	89½	53½	35
1908 May 11	14½	0½			35
June	10½	11½			35
July	10½	20½			35
Aug.	20½	4½			35
Sept. 16 14			35		
Sept.	16	14			35
Oct.	4½	26½			35
Nov. 30	<u>10½</u>	<u>17½</u>	99	105	35

On May 23 & 24, 1901, for a test of machinery ~~for~~ ^{run} ~~for~~ ~~the~~ ~~well~~ the pump was/continuously for 40 hours, throwing an average of about 60 inches without breakin suction.

SUPERIOR COURT

1 Q What are those other sheets you have there of white
2 paper? Are those the original records?

3 A These are some original records as kept by our steam
4 engineers at the time of running the steam pump.

5 Q Did you personally make this tabulation?

6 A I personally made that tabulation.

7 Q Have you any reason to suspect that it is inaccurate in
8 any way?

9 A There might be an inaccuracy of a day during the year
10 or something that way, that I didn't calculate quite down to
11 the actual hours, but in the whole it is accurate.

12 Q How did you arrive at the quantity of water discharged by
13 the pump during these several years - did you measure it
14 yourself or have some professional measure it?

15 A During the second, third, and fourth year of running the
16 steam pump, our engineers were supposed to keep a measurement
17 each day of the amount of water that was pumped, and the
18 amount of fuel oil used, and other tabulations, and from
19 their original records I took the measurements for the copy.

20 Q Well, now, what was the plan of measuring, - what was
21 your formula?

22 A We made a box with a weir, and the engineers had a card
23 that was got out by some civil engineers, showing the depth of
24 the water over the weir, so many inches per width of the
25 weir, - used that formula.

26 Q What was the width of the weir?

27 A I believe it is 30 inches.

28 Q Have you always used the same weir?

29 A We have always; I have measured it myself a number of

I. BENJAMIN
SUPERIOR COURT

with our company and will enable us to meet with the best of service.

from a bad situation. We can give a little and a class of A.

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10. What is the purpose of the study?

1 times there, with the same formula.

2 Q And these measurements you have given are those of the
3 water measured at the pump?

4 A At the pump; yes, sir.

5 Q Did you keep measurements also of the water that was
6 delivered at Upland?

7 A We did; that is, there was one year the zanjero records
8 it in this book, but I measured it myself a number of times,
9 and I found it corresponded very accurately with the water
10 measured at the pump.

11 Q How much loss or wastage was there on the way?

12 A Well, there was less than an inch,- never could find
13 more than an inch discrepancy.

14 Q Did you measure it over the same sort of a weir at Upland?

15 A Similar.

16 Q Have you ever had it measured by any professional engineer

17 A I don't remember - after we began pumping as a regular
18 irrigation, I don't remember its being measured by a profes-
19 sional engineer; on our 48 hour test we had a professional
20 engineer that kept a record of it.

21 Q Who was it?

22 A C. E. Mount, Lordsburg.

23 Q Do you remember what that measurement was?

24 A I have it here, yes, sir.

25 Q Will you give it to us, please.

26 A We had a civil engineer there to watch the test of the
27 well and of the machinery; the Baker Iron Works putting in
28 the machinery, we wanted to see whether they complied with
29 their contract or not, and Mr. Mount was there on that, during

BENJAMIN
SUPERIOR COURT

1 I have been thinking of you very much lately, and wondering how you are getting on.
2 I hope you are well and happy, and that you are enjoying your life.
3 I have been very busy lately, but I have managed to find some time to write to you.
4 I have been thinking of you very much lately, and wondering how you are getting on.
5 I hope you are well and happy, and that you are enjoying your life.
6 I have been very busy lately, but I have managed to find some time to write to you.
7 I have been thinking of you very much lately, and wondering how you are getting on.
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25 I have been thinking of you very much lately, and wondering how you are getting on.
26 I hope you are well and happy, and that you are enjoying your life.
27 I have been very busy lately, but I have managed to find some time to write to you.
28 I have been thinking of you very much lately, and wondering how you are getting on.
29 I hope you are well and happy, and that you are enjoying your life.
30 I have been very busy lately, but I have managed to find some time to write to you.

the 48 hours of the test, and this is the report as sworn to by him.

Q The purpose was to see whether the pump discharged the quantity of water that they had contracted it should discharge was it?

A Well, according to the amount of fuel oil used.

Q Well, how much did he report to you about the measurement?

A He says that the pump was run 48 hours continuously during the test - This is only a part of the report,- The minimum amount of water pumped was 48.5 inches, during the first hour of the test; the maximum amount of water pumped was 64 inches, on the last day of the test. There is more here.

Q Well, that is all I care for. Had I ask you the other day about the elevation of water in that well when it was not pumped?

A You asked some questions in regard to it. I can answer others.

Q I understand from you now that the pumping of 40 inches from the well had the effect, or at any rate it was followed by a lowering of the water in the well, so that the pump threw less than 40 inches?

A The first season we pumped, after the 10 days pumping, or about 50 days pumping, we sunk our shaft 8 feet deeper before we struck water; during that time the water level had lowered by that amount. The second year at the end of the pumping season we lowered our pump again about 13 feet, if I remember correct. The third season about 8 feet; and the fourth season, the close of 1904, about five or six feet

IN JUDICAMIN
SUPERIOR COURT

1 to the bottom of the shaft at the present time. Since that
2 the water has raised.

3 Q I think you stated that the other day. Yes, you gave
4 us those figures. Is there any other document or record
5 that I asked you to produce?

6 A I don't know of any.

7
8 Mr. Haskell, Q You have given the method of your measurement
9 whilst the steam plant was in operation: What was the method
10 of measurement after the deep pump was placed in?

11 A The same method.

12
13 (The reading of Exhibit 79, admitted in evidence is waived
14

15 Mr. Joliffe, Q I understood you to say in answer to a ques-
16 tion by Mr. Britt, that the first year or two that these
17 measurements were kept by the engineer in charge of the well:
18 Who was that engineer?

19 A John Rarick was one, and John M. Packard another one.

20 Q Was Mr. Sourwine's son in charge at any time?

21 A He was, and Mr. Sourwine himself also at one time.

22 Q I inquire particularly of James A. Sourwine, if he was
23 in charge. If so, state when it was if you can from your
24 record?

25 A I find that in June, 1904, James A. Sourwine was one of
26 the engineers; July the same; And August the same; and
27 September the same.

28 Q Mr. James A. Sourwine was a civil engineer was he not as
29 well as engineer in another capacity?

in the history of the world of the present time. Since then

the world has changed.

I I think you should read the book and, I'm sure, you will
be those things. It shows the things that are going on

and I think you should read it.

I I don't know of any.

Mr. Russell, I have been the subject of your statement
which the same thing was in question: that was the result
of a statement that the same thing was placed in?

I The same thing.

(The record at 10:15 PM, which is what is being

Mr. Joliffe, I understand you are in a room in a house

about 10:15 PM, that the first part of the book

concerns the first part of the book in which it is said:

and the same thing?

A John Hunter was one, and John F. Hunter was one.

C Was Mr. Hunter's son in contact with you?

A Yes, Mr. Hunter's son, John F. Hunter, was one.

O I believe, Mr. Hunter, that you are, it is said

in the book. It is, that was it was in the first part

of the book?

A I think that is true, that is, I believe that one of

the things that you said and about the same; and

that was the same.

I Mr. Hunter was a very important man in the

will be mentioned in the book.

5
1 A He was studying civil engineering at that time, and is
2 now a civil engineer as I understand it.

3
4 Mr. Britt, Q You stated that in recent years the water has
5 been rising in the well,- the water level, the water-plane?

6 A It has.

7 Q Was it as high last season, 1908, as it was in 1901?

8 A It was about the same level; very near it. I don't know
9 just whether it was quite or not.

10 -o-

11 D. R. KILBOURNE.

12 D. R. KILBOURNE, a witness called by defendants,
13 previously sworn, testified as follows.

14 DIRECT EXAMINATION.

15 Mr. Mc.Kinley, Q You are the same Kilbourne who conveyed
16 to the Old Settlers' Water Company?

17 A Yes, sir.

18 Q Did you convey to the Old Settlers' Water Company? Did
19 you make the conveyance to the Old Settlers' Water Company
20 in January, 1903? Did you make a deed to the Old Settlers'
21 Water Company, or is T.L. Kilbourne somebody else?

22 A Well, I made a deed of my water to the Old Settlers'
23 Water Company.

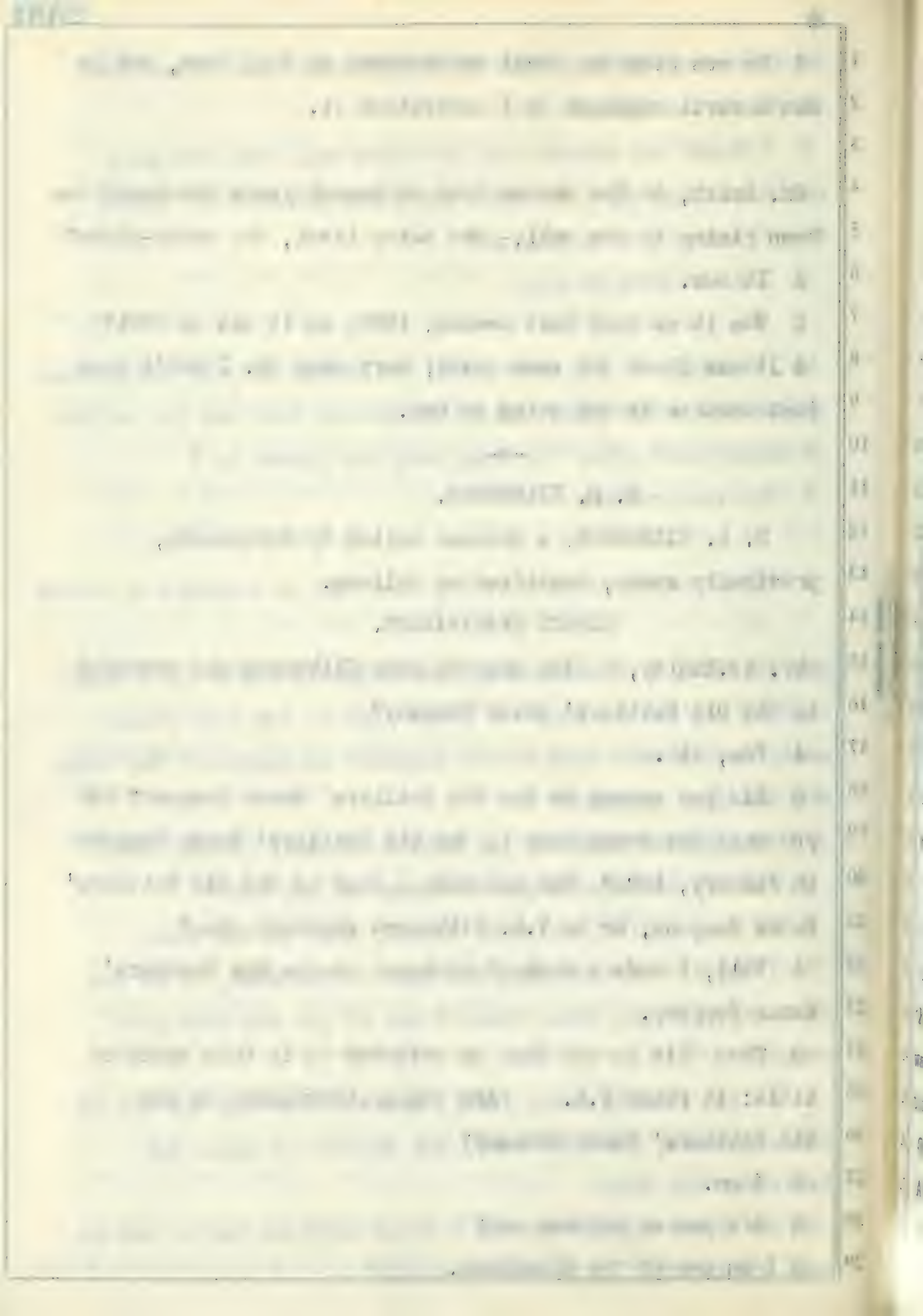
24 Q Then this is you that is referred to in this chain of
25 title: It reads T.L. Are you a stockholder in the
26 Old Settlers' Water Company?

27 A I am.

28 Q Are you an officer now?

29 A I am one of the directors.

SUPERIOR COURT



1 Q How long have you been a director?

2 A Ever since its incorporation.

3 Q Have you occupied any other position?

4 A I have been President of the Board for about three
5 years.

6 Q Who supervised the putting down of the well belonging
7 to the Old Settlers' Water Company?

8 A I did.

9 Q Have you the log of the well?

10 A I don't think I have; I think that after I went out of
11 office that it was turned over to Mr. Fox, and we have failed
12 to find it since.

13 Q You are unable to find it?

14 A Yes, sir.

15 Q If you should find it, will you produce it or send it in?

16 A I will.

17 Q Have you any recollection in regard to the course of the
18 well as it was put down, and the point at which you struck
19 water?

20 A Oh yes.

21 Q At what depth did you strike water?

22 A Well, there was a shaft when we bought the property,
23 there was a shaft on the property 76 feet deep, and there
24 was water in it at that time; they pumped some water there;
25 there was a pump in it and they pumped some water there.

26 Q Do you know who put down that shaft?

27 A No, I don't.

28 Q Do you know how long it had been there?

29 A Well, I came to California about 1893 and it was there then

INDIANAPOLIS
SUPERIOR COURT

1 Q After you put the well down deeper did you sink the shaft
2 any?
3 A We didn't sink the shaft any deeper; we bored the well;
4 we drilled the well.
5 Q Leaving the shaft the same. To what depth did you drill?
6 A The bottom of the well was I thin 448 feet from the
7 surface of the ground, and it was drilled, all excepting
8 about 76 feet.
9 Q Did you strike other water strata as you went down?
10 A Yes, sir.
11 Q And in considerable quantities?
12 A Yes, sir; we went through several stratas of water gravel.
13 Q Did the water raise any as you struck additional strata?
14 A Yes, sir.
15 Q About how much?
16 A Well, when we got through with the well, the water stood
17 at 24 feet from the surface.
18 Q Do you know how much of a raise that was from what it
19 was before?
20 A There was about four feet of water in the shaft when we
21 commenced drilling, and that would be about 72 feet, and 20
22 off would be about 52 feet; the water raised about 52 feet.
23 Q Have you pumped that well any since you testified here
24 last?
25 A Yes, sir.
26 Q When?
27 A We pumped it but very little this last summer.
28 Q About how much?
29 A Not to exceed eight or ten days.

1. The first part of the report deals with the general situation of the country and the progress of the work during the year. It is divided into two main sections, the first of which deals with the general situation and the second with the progress of the work.

2. The second part of the report deals with the progress of the work during the year. It is divided into two main sections, the first of which deals with the progress of the work in the various departments and the second with the progress of the work in the various branches of the service.

3. The third part of the report deals with the progress of the work during the year. It is divided into two main sections, the first of which deals with the progress of the work in the various departments and the second with the progress of the work in the various branches of the service.

4. The fourth part of the report deals with the progress of the work during the year. It is divided into two main sections, the first of which deals with the progress of the work in the various departments and the second with the progress of the work in the various branches of the service.

5. The fifth part of the report deals with the progress of the work during the year. It is divided into two main sections, the first of which deals with the progress of the work in the various departments and the second with the progress of the work in the various branches of the service.

6. The sixth part of the report deals with the progress of the work during the year. It is divided into two main sections, the first of which deals with the progress of the work in the various departments and the second with the progress of the work in the various branches of the service.

7. The seventh part of the report deals with the progress of the work during the year. It is divided into two main sections, the first of which deals with the progress of the work in the various departments and the second with the progress of the work in the various branches of the service.

8. The eighth part of the report deals with the progress of the work during the year. It is divided into two main sections, the first of which deals with the progress of the work in the various departments and the second with the progress of the work in the various branches of the service.

9. The ninth part of the report deals with the progress of the work during the year. It is divided into two main sections, the first of which deals with the progress of the work in the various departments and the second with the progress of the work in the various branches of the service.

10. The tenth part of the report deals with the progress of the work during the year. It is divided into two main sections, the first of which deals with the progress of the work in the various departments and the second with the progress of the work in the various branches of the service.

1 Q What did it yield when it was pumped?

2 A We used a deep well pump.

3 Q What was the yield,- what did it produce?

4 A About 50 inches.

5 Q When was that approximately in the season, what month?

6 A Well, we had one stockholder in the company that can't
7 get water from any other source, and we pumped him a day's
8 water every thirty days; and we pumped about five days for him
9 And there was two or three days that was pumped for other in-
10 dividuals in the company that needed a little water, prob-
11 ably eight or ten days in all; when we pumped it we pumped
12 24 hours in the day.

13 Q Did you know of the developments that were being made
14 around the red hill, at the time they were made in recent
15 years,- any developments that were made there, and pipe lines
16 constructed and water taken to Ontario?

17 Mr. Waters: We object to that unless they make their ques-
18 tion more specific.

19 Mr. Mc.Kinley: I withdraw the question.

20 Q Did you know of the construction of the pipe line carrying
21 water from the well, which had been put down by Stowell, some-
22 time before you came to Cucamonga?

23 Mr. Stephens: I suppose it is not intended this shall bind
24 us?

25 Mr. Mc.Kinley: No, sir; I don't say that it will bind other
26 parties; it may indicate a general condition of knowledge
27 there.

28 Mr. Stephens: We object to it so far as it has any applica-
29 tion to the plaintiff represented by myself.

1. The first of these is the fact that the
 2. of the world is not a uniform one, but
 3. is a complex of many different parts,
 4. each of which has its own characteristics,
 5. and which must be studied on its own merits.
 6. The second of these is the fact that the
 7. of the world is not a static one, but
 8. is a dynamic one, which is constantly
 9. changing and developing. The third of these
 10. is the fact that the world is not a
 11. homogeneous one, but is a heterogeneous
 12. one, in which there are many different
 13. kinds of people, each with their own
 14. customs and traditions. The fourth of these
 15. is the fact that the world is not a
 16. simple one, but is a complex one, in
 17. which there are many different kinds of
 18. problems, each of which must be solved
 19. on its own merits. The fifth of these
 20. is the fact that the world is not a
 21. static one, but is a dynamic one, which
 22. is constantly changing and developing.

Q The well being existent at the date you first came to Cucamonga.

Mr. Waters: I think the gentleman ought to specify the pipe line.

Mr. Haskell : And the well.

Q Did you know about the construction of a pipe line from the mouth of the Eadie tunnel in the direction of Ontario

Mr. Stephens: Now, we make the objection on the part of the plaintiffs we represent.

The Court: Overruled.

Mr. Stephens: Exception.

A I knew of the construction of a pipe line from the Eadie tunnel towards Ontario; that was done after I came to California; The previous pipe line I don't know anything about.

Q Were you informed as to what water was put into that pipe line?

A Oh, I don't know as I was informed; it was a general understanding, - it was water from some wells that were put in there, that went in that direction.

Q You understood that that pipe line was put in and carried water from some of the wells up above the Eadie tunnel did you not?

A Well, there was a winery down below there, but I didn't believe it was made to carry the wine over. Otherwise it must have been made to carry water over.

Q You understood that about the time the pipe line was finished didn't you?

A Yes, sir; I supposed it was made to carry water over there.

Q Now, then, did you know anything about the putting down

0

Dr. Ellyssa J. Campbell

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4. Will there be any other issues?

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1 of another well by the Ontario Power Company?

2 A No, sir; I don't know much about the putting down of
3 wells over there; only as I would go through the country
4 occasionally, I saw the wells were being put down, but really
5 didn't know how they were distinguished one from the other.

6 Q Well, state whether along about 1902, you knew of a new
7 well being put down there, and connected up and water
8 carried to Ontario?

9 A I do not.

10 Q Did you hear of it?

11 A I presume I have; I don't just remember now of any con-
12 versation that would inform me of that fact; I presume I did.

13 Q Did you know anything about the Haskell wells?

14 A Oh yes; I have seen the Haskell well often.

15 Q About the time they began taking water from there to
16 Ontario did you hear of it?

17 A Oh, I think I did.

18 Q Have you seen the 16th Street wells belonging to the
19 San Antonio Water Company?

20 A I really don't know what the 16th street well is.

21 Q Well, did you hear of or see a number of wells along
22 the Base Line road?

23 A Yes, sir.

24 Q And at about the time they were being put down?

25 A Well, I don't know as I ever saw the parties in construc-
26 tion of those wells, any but one; there was one, I think
27 the furthest east, I saw the parties when they were sinking
28 that well; but the other wells I really don't know when
29 they were sunk.

1 A Well, you heard of the fact that they were being sunk,
2 and that water was being taken from there to Ontario?

3 A Well, I knew there was water going to Ontario, and I knew
4 it was coming from that district, somewhere along in the
5 early years, of my coming to California; that is from 1800 on;
6 But, you understand that before that time I didn't pay much
7 attention to the water; we got plenty of water from the
8 Springs, and I didn't give the matter any thought or atten-
9 tion; I supposed we were always going to get it.

10 Q When the amount of water you were getting from the
11 Springs fell off, did you make any investigation as to what
12 had happened to it?

13 A Yes, sir; I did.

14 Q And you heard about these matters that I have spoken of
15 at that time did you not?

16 A At that time; yes, sir.

17 Q Did you hear anything soon after you came here, with
18 reference to the trial of the case of McPherson against the
19 San Antonio Water Company and other parties, seeking to res-
20 train the diversion of water?

21 Mr. Britt: That testimony is not offered as against the two
22 Cucamonga Companies?

23 Mr. McKinley: Not as against anybody but the Old Settlers
24 Water Company.

25 A Well, I have heard that there was a suit of some kind
26 about water, but the nature of the suit I don't know anything
27 about; I have heard it represented that they thought the
28 Cucamonga people got it in the neck pretty badly, and I heard
29 quite a number express the opinion that Judge McKinley was

1. Well, you know that I am not a very
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30. good person, and I am not a very

1 instrumental in that connection.

2 Q And you heard that he was undertaking to stop the taking
3 of water from that region over to Ontario?

4 A I have heard that there was something about - -

5 Q And you heard it about the time the case was tried?

6 A Oh, no; I never gave it any attention, and I might not
7 have heard much of anything about it, of any talk about it,
8 for a year or two.

9 Q For a year or two?

10 A Yes, sir.

11 Q But you think it was within a year or two that you heard
12 of it?

13 A Well, I mean a year or two after the case was tried.

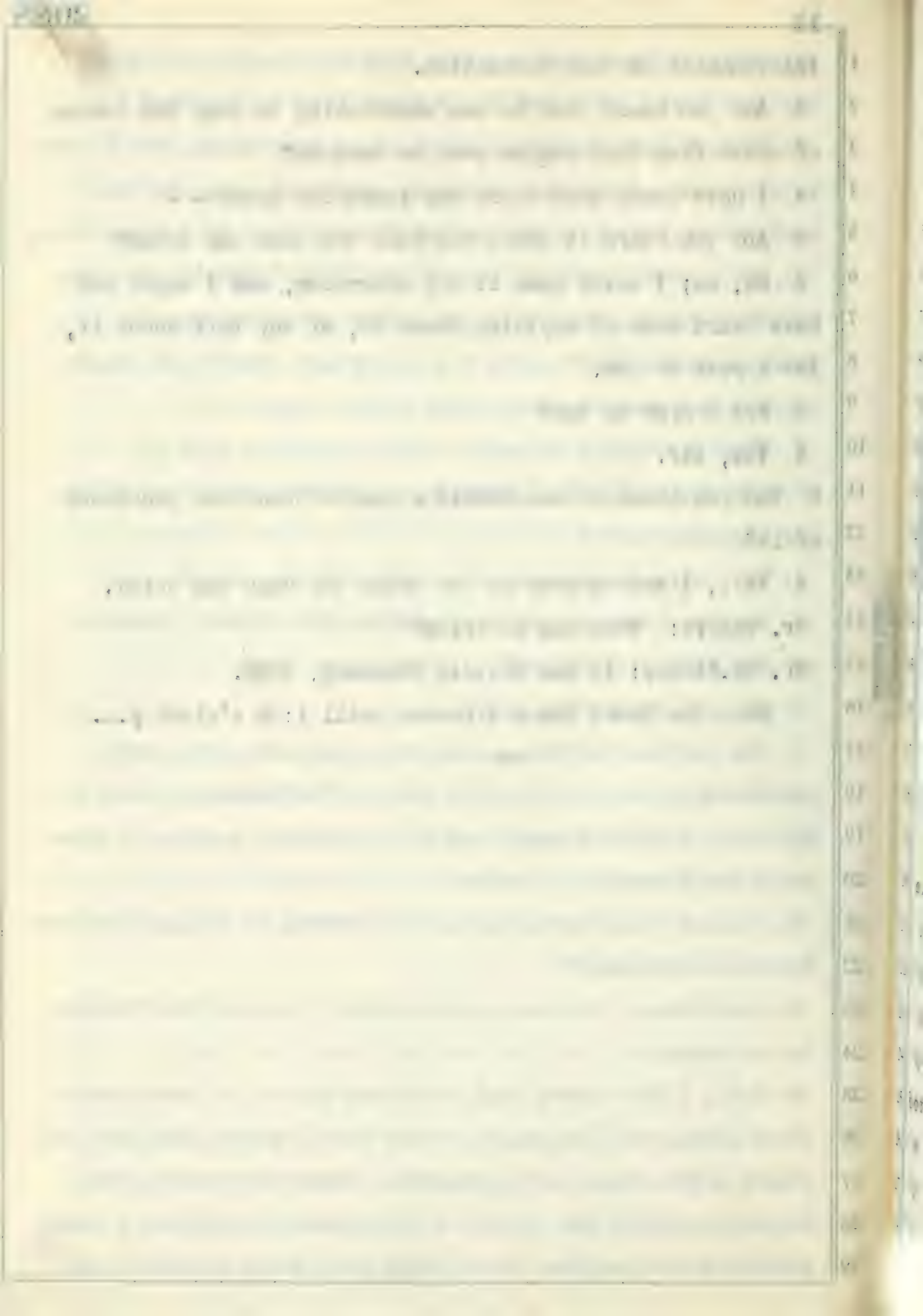
14 Mr. Waters: When was it tried?

15 Mr. Mc.Kinley: It was tried in February, 1900.

16 Here the Court takes a recess until 1:30 o'clock p.m.

17 -0-

SUPERIOR COURT



1 AFTERNOON SESSION:-

2 DIRECT EXAMINATION:

3 Mr. Britt: You mentioned, Mr. Kilbourne, that for some
4 years after you came to California, I think you said, you
5 had plenty of water from the springs?

6 A Yes, sir.

7 Q What springs were those you mentioned?

8 A It was the springs about the Red Hill.

9 Q The Cucamonga Springs?

10 A The Cucamonga Springs; yes, sir.

11 Q When you spoke about above the Red Hill do you mean
12 the country there immediately to the east of the Red Hill?

13 A To the east and west of the Red Hill.

14 Q When did you come to California?

15 A I came to California in the spring of '98.

16 Q And settled in the neighborhood of the Cucamonga springs?

17 A Yes, sir; east of the Cucamonga springs a half a mile.

18 BY MR. CURTIS:-

19 Q Mr Kilbourne, are you acquainted with the Sunset Wat-
20 er Company's wells?

21 A Yes, sir; somewhat.

22 Q The two wells that have been testified to?

23 A Yes, sir.

24 Q Were you living at Cucamonga at the time they were
25 bored?

26 A Yes, sir.

27 Q Did you have anything to do with boring them?

28 A No, sir.

29 Q Were you associated in any way with the people who put

SUPERIOR COURT

1 the first well down?

2 A Yes, sir; I owned a little interest in the well.

3 Q You owned a little interest at the time?

4 A Yes, sir.

5 Q Are you a stockholder in the company at present?

6 A I am.

7 Q And you knew of the wells being put down and you knew
8 also the pipe line as it was constructed?

9 A Yes, sir.

10 ---0---

11
12 Mr. Joliffe: I have here a paper prepared by Robert Manly
13 to complete his testimony of yesterday as to the amount of
14 work done in distributing the water in the Cucamonga Creek
15 of Canyon.

16 Mr. Britt: There is no objection to that.

17
18 (Statement of labor performed and amount expended
19 in distributing water of Cucamonga Creek, by
20 Robert Manly.)

21 Mr. Joliffe: (Reading)

22	January 24, 1908,	3 men	\$ 3.75
23	January 25, 1908,	2 men	2.50
24	January 26, 1908,	2 men	2.91
25	January 27, 1908,	2 men	4.16
26	January 28, 1908,	2 men	3.39
27	January 30, 1908,	1 man	2.50
28	February 3, 1908,	2 men	5.00
29	January 22, 1909,	3 men	6.50

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1 January 23, 1909, 2 men 4.00
2 January 25, 1909, 2 men 4.00

3 This list does not include Fuller's men.

4 ---0---

7 B. C. SHEPHERD.

8 B. C. SHEPHERD, heretofore sworn and examined, being
9 recalled by defendants, testified as follows

10 DIRECT EXAMINATION.

11 Q Mr. McKinley: Mr. Shepherd, have you made the tabula-
12 tion of the expenditures on these developments?

13 A I have made an examination of the expenditures on the
14 16th Street property; but the other I have not been able to
15 get at that yet. It was a larger job than I thought I was
16 undertaking.

17 Q Well, you say do that hereafter. And the statement in
18 regard to the bonded indebtedness, have you prepared that?

19 A No; I have not.

20 Q You can do that then, and I will turn you over to Mr.
21 Britt with reference to the data that he wants to ask you
22 for.

23 CROSS EXAMINATION.

24 Mr. Britt: Q Let us see the tabulation that you have of
25 the expenditures, Mr. Shepherd.

26 Mr. McKinley: He says he hasn't got that yet.

27 Mr. Britt: He says he has for the 16th Street well.

28 Mr. McKinley: This is not complete, Mr. Shepherd. Is that
29 what you said? This tabulation seems to cover some other things

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SUPERIOR COURT

1 also.

2 A On the 16th Street property I include the Haskell and the
3 Rubio. The type-writer put in \$130,000 item for the Red
4 Hill, which I have deducted from the bottom.

5 Q Otherwise it is all 16th Street?

6 A Yes, sir.

7 Q That is, 16th and the continuation along there?

8 A The continuation of 16th Street.

9 Mr. Britt: This does not seem to be accompanied by any
10 dates except the balance November 15, 1897.

11 Mr. McKinley: We will make this fuller. I will have this
12 made more complete with the dates and so on. You will do
13 that and get the dates of the expenditures as far as possible.

14 A If I am to take the dates in detail it will take me about
15 a month in the office.

16 Mr. Britt: Oh, I don't care anything about that.

17 Mr. McKinley: Oh, just approximately for the year.

18 Mr. Britt: For example, in the pumping plants, \$14,000,
19 there is no date given; not even the year.

20 Mr. Waters: We will want at least the year.

21 Mr. McKinley: We will make that more complete.

22 The Court: You prefer to have that more definite?

23 Mr. Britt: As Mr. Waters suggests, we would like to have
24 the year.

25 A The system in which they keep the books is not in very
26 good shape to get the memorandums in the shape that you re-
27 quire them; and if I go into detail I will have to have a
28 week or ten days in the office. There are about twenty thous-
29 and vouchers there that will have to be gone through.

[illegible]

SUPERIOR COURT

1 Mr. Britt: I doubt very much whether it would be of any
2 materiality either to the defendants or to the plaintiffs here
3 to have it with that much particularity. We don't want the
4 details of expenditure for every gallon of oil or every
5 foot of pipe or day's wage. If we can have the information
6 about the expenditures made for the acquisition of the various
7 principal pieces of property with an approximation to the
8 time, I think, as far as the plaintiffs are concerned, it
9 will answer our purposes.

10 Mr. McKinley: I have suspended with him in order to have
11 that prepared. I think what we will ask him to furnish next
12 time will save him much labor and, on the other hand, it
13 will cover everything that anybody desires.

14 Mr. Haskell: I think the operating expenses should be car-
15 ried separate and apart from the permanent improvements.

16 Mr. McKinley. Yes; we are not going to show our operating
17 expenses.

18 Mr. Britt: The time when the expenditures were made is mat-
19 erial in some other aspects of the case, aside from that of
20 the mere amount expended.

21 Mr. Britt: Q Are you a book keeper, Mr. Shepherd?

22 A Yes, sir.

23 Q Did you keep the books during the time you were secre-
24 tary?

25 A Yes, sir.

26 Q Of the San Antonio Company?

27 A Yes, sir.

28 Q And did you keep the minutes of the proceedings of the
29 stockholders and the directors?

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1 A Yes, sir.

2 Q And the same, I suppose, after May 12, 1902, in regard
3 to the minutes of the proceedings of the stockholders and
4 directors of the Ontario Power Company?

5 A Yes, sir.

6 Q Now, will you refer to these books, Mr. Shepherd, and
7 give us the date when the expenses were incurred by either
8 the Ontario Power Company or the San Antonio Water Company
9 of extending that Eadie tunnel after the acquisition of the
10 stock of the Ontario Power Company by the San Antonio Water
11 Company? It would be some time after May, 1902.

12 A I have a few of the vouchers here which refer to that.

13 Q Is there no account in the books which would show it suc-
14 cinctly and compactly-- which would contain those entries
15 in brief compass?

16 A Not in the shape that you want it.

17 Q Can you show us the account in the books at all?
18 It may be that the shape that you have it there will suit us.

19 A There is an account called Cucamonga Tunnel.

20 Q Beginning when?

21 A September 18, 1902.

22 Q In what book does this appear?

23 A That is the ledger of the Ontario Power Company.

24 Q Has it a column there referring to the items in the orig-
25 inal entry?

26 A It has.

27 Q Those original entries appear in what? A journal or
28 day book?

29 A A journal.

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1 Q What is called here the Cucamonga Tunnel, is that the
2 same hole in the ground as what has been spoken of here as
3 the Radie tunnel?

4 A I think it is.

5 Q Is this account continued anywhere else in the book?
6 What data is this on the next page?

7 A That is for Stowell Tunnel Repairs. That is a different
8 account.

9 Q Is there another ledger account which is a continuation
10 of the account on page 54?

11 A That seems to have been transferred on October 31, 1903,
12 by a journal entry-- It looks to me as if it might be trans-
13 ferred to what is called the Stowell Tunnel, but I will
14 look and see. Yes. That is transferred to another account
15 called the Stowell Tunnel.

16 Q In October, 1903?

17 A October, 1903.

18 Q And it follows along, until what date?

19 A November 1st, 1907.

20 Q That is, the Stowell tunnel and the Radie tunnel and the
21 Cucamonga tunnel all mean the same excavation, do they?

22 A I think it does.

23 Q I will ask you to take that first account and refer
24 to the journal entries and state them here, so that we may
25 see what the several items of expense relate to.

26 A I haven't got the journal here. I looked at the journal
27 and it gives no information whatever what the items were
28 for or whom the money was paid to. The vouchers would have
29 to be brought down here.

1. That in writing here the following Journal, it shall be
2. recorded in the Journal as that which is the subject of the
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1 Q Have you the vouchers? You have some of them.

2 A I have just picked out a few that refer to work referred
3 to--

4 Q Let us see what they were. Were you keeping the books
5 yourself at that time?

6 A Yes, sir, or a book keeper under me.

7 Q Do you know how it happens that your journal is so bar-
8 ren of information on the subject?

9 A The system of keeping books by vouchers of this kind/,
10 it is not necessary to duplicate your work. If we had known
11 that it was to come up and you would want it in this shape
12 we might have had the books put that way just as well. But
13 we took what would give us the least work at that time.

14 On December 8, 1902, there is an account of A. L. McCon-
15 nel for work done in the month of November, 1902, for
16 filling in old shaft, \$15. Changing the signon and put-
17 ting in new gate, \$100., from which there is a credit at
18 the Upland Machine Shop of \$2.15. Net amount, \$112.50.

19 January, 1903, for work done in December, 1902, retimber-
20 ing 300 feet of tunnel, retimbering 70 feet below weir, 10
21 feet above weir, 56 feet pipe, laying of branch above weir,
22 repairing shaft, setting two gates in weir, total amount, \$440.

23 August, 1903, a bill from A. L. McConnell for work done in
24 July, Stowell shaft, 81 feet at \$4, 13 feet at \$12, pipe
25 laid in Stowell tunnel, 441 feet 30-inch pipe, 191 feet 24-
26 inch pipe, filling up old shaft and concreting bottom of
27 present working shaft. Total amount, \$1192.

28 Q Do you know to what shaft these items refer-- what
29 particular shaft?

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1 A I do not.

2 Q Do you know what particular pipe that referred to?
3 Where it was laid? What section of pipe?

4 A I do not.

5 Q Do you now what the diameter of the pipe was? Does
6 the account show?

7 A There was 441 feet of 30-inch pipe and 191 feet of
8 24-inch pipe.

9 Q Was that laid in the tunnel? Is this account for pipe
10 laid in the tunnel?

11 A Pipe laid in the Stowell tunnel.

12 Q This was in August, 1903?

13 A Yes, sir.

14 Q Now proceed with the next. These are all accounts of
15 the Ontario Power Company?

16 A All of the Ontario Power Company. Here is an account
17 December 1st, 1903, for work done by A. H. McConnell in the
18 month of November, 1903. 60 feet of tunnel, \$720.

19 Q Do you know what tunnel that was?

20 A It was the Radie or Stowell tunnel and the no. 14 well.
21 Of course, I didn't have charge of the work and I am only
22 believing that that was what the work was. Mr. Locke or
23 the others would absolutely know of the fact.

24 Q That would be at the rate of \$12 a foot?

25 A Yes, sir.

26 Q Do you remember whether that was the price at which Mc-
27 Connell was employed to extend that tunnel?

28 A No.

29 Q You know nothing about the making of the contracts?

1 A No; I knew nothing about the making of the contracts.

2 January 2, 1904, estimate of work done by A. L. McConnell for
3 month of December, 1903, tunnel at Stowell shaft, 34 feet
4 at \$12, \$408.

5 Q Are you able to describe that piece of work any more
6 definitely than it appears in this account?

7 A I am not. 13 feet of shafting, \$130.

8 Q That sort of shafting was that?

9 A I don't know. Total bill, \$564.

10 February 1st, 1904, estimate of work done by A. L. McCon-
11 nell for the month of January, 1904, Stowell shaft, 4 feet
12 at \$12. New shaft 105 feet at \$2.50. Total bill, \$310.50.

13 Q Do you know what that new shaft was?

14 A I do not.

15 Here is another bill of A. L. McConnell, March 1st, 1904,
16 for work done in February, 1904, 344 feet of pipe laid,
17 100 feet of back filling, filling old shaft and concretizing
18 bottom of same, total bill \$484.

19 Q Where was that pipe laid?

20 A I don't know. I only suppose it was laid in the Stowell
21 tunnel.

22 Q Does it show what sort of pipe it was?

23 A It doesn't say. 344 feet of pipe laid at \$1 a foot.

24 Q Was that for the work of laying only, or does it include
25 the cost of the pipe?

26 A It must be for the work only.

27 Q Proceed.

28 A April, 1904, estimate of work done by McConnell for the
29 month of March, 1904, 90 feet of pipe laid, \$90. 100 feet back

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1 filling \$90. Feb. 14, man and team hauling pipe one day,
2 \$4. And a lot of other small items for team work. The total
3 bill amounting to \$210. less the amount paid by the San
4 Antonio Water Company, \$105., which makes the net bill of
5 the Ontario Power Company \$105.

6 Q Do you know where that work was done?--the work described
7 in that account or statement or voucher for April 1st, 1904?

8 A I don't know of my own knowledge, but I believe it was
9 done at some portion of the Ladie tunnel.

10 Q Proceed.

11 A September 10, 1903. This is going a little backwards.
12 Work done by A. L. McConnell, for laying pipe in shaft, 31
13 feet at \$1., labor of repairing weir, \$10. Total bill, \$42.
14 May 1st, 1904. Laying pipe, \$90. 1 man 1½ days at \$2. Tot-
15 al bill, \$55. Less amount paid by San Antonio Water Company
16 \$26.50, and less amount allowed by McConnell to complete the
17 job, \$2.50. Leaving a net bill of \$26.

18 Q Now referring again to this ledger account kept of the
19 Cucamonga tunnel, July 25, 1903, there is a charge of \$5.50
20 the Cucamonga tunnel is debited in that amount. Does that
21 appear in any of the vouchers you have here?

22 A It does not.

23 Q So of the items of August 24, 1906, and November 25,
24 1905, 19.50, these vouchers that you have here do not cover
25 anything of those items?

26 A They don't seem to.

27 Q Then I will ask you to turn over to the account kept of
28 the Stovell tunnel, which seems to have succeeded this ac-
29 count, on page 54 of your ledger. The first considerable

[illegible]

SUPERIOR COURT

1 item here or the largest item after the date that I mention-
2 ed a moment ago appearing in this account-- the first is
3 October 16, 1903, --\$202.95. Does it appear in these vouch-
4 ers what that item is for?

5 A That item does not seem to be in these vouchers.

6 Q Then October 27, there is \$474.30. You have a voucher
7 here for that, I think.

8 A There is no voucher for that here.

9 Q In this account these items seem to run from January
10 to October, 1903, then November, 1903, and the items fol-
11 lowing December 31, although there is no year appearing, are
12 those 1904 items?

13 A Those must be 1904 items.

14 Q One would think so from the credits on the other side.
15 They seem to be 1904.

16 A Yes.

17 Q Give me those two vouchers which show payments made to
18 McConnell for driving the tunnel or excavating or something
19 of the kind-- 60 feet of tunnel at \$12. Then there is another
20 for \$12 feet or something of that sort. Probably there are
21 two others. These three are what I more particularly de-
22 sire to see for the present. Can you find this item of
23 December 1, 1903, of \$720, account of McConnell for work,
24 60 feet of tunnel at \$12.?

25 A That appears on the company's ledger December 31, at
26 page 119, \$720, charged to Stowell tunnel.

27 Q Now the item of August 7, 1903-- it is not an item though.
28 The statement of August 7, 1903, estimate of work done by
29 A. L. McConnell for the month of July, 1903, Stowell ~~xxxxx~~

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SUPERIOR COURT

1 shaft, 51 feet at \$4 and 73 feet at \$12, and certain pipe
2 laid besides, amounting to \$1192.
3 A That appears on the ledger of the Ontario Power Company
4 at page 54. \$356 of the amount is charged to the Oneida
5 tunnel. \$480 of that bill is charged to the Stowell shaft and
6 \$356. is charged to the San Antonio Water Company.
7 Q Then the statement or voucher dated January 2, 1904,
8 tunnel at Stowell well, 34 feet at \$12. \$408. Then there
9 is an additional item, shaft, 13 feet at \$12., making the tot-
10 al \$564.
11 A I don't find that exact amount charged up to the Stowell
12 well on the ledger. I think that the amount is included
13 with other bills that went through the ledger-- through the
14 journal. But the \$156 of that amount was charged to the
15 Stowell well and \$408 was charged to the Stowell tunnel.
16 Q You don't find the items in the ledger?
17 A Not as they appear on the voucher.
18 Q Do you know of any other account to which they would
19 probably be transferred or in which they would appear?
20 A The voucher itself shows that it was charged up to the
21 Stowell well, \$156., and the Stowell tunnel, \$408. And in
22 order to actually trace the individual amounts I would have
23 to go through the journal and the other vouchers of the com-
24 pany.
25 Q Were those several sums which are mentioned here on
26 these vouchers-- they show that they were paid to McConnell,
27 do they not?
28 A They do.
29 Q Were those for tunnel construction or shaft construction

1. The first thing I noticed when I stepped out of the plane was the cold air. It was a sharp contrast to the warm, humid air of the tropics. I had heard that the weather in the north was harsh, but I didn't realize how cold it would be. The wind was biting, and the sun was a pale, distant orb in the sky. I wrapped my coat around myself and tried to ignore the discomfort. I had come here for a reason, and I would not let the weather stop me. I took a deep breath and stepped forward, determined to face whatever lay ahead.

2. As I walked through the snow-covered fields, I felt a sense of isolation. The landscape was vast and empty, with only a few distant hills visible on the horizon. The silence was deafening, and I could hear the crunch of snow under my boots. I had never experienced anything like this before. In my home, the air was always filled with the sounds of life, the laughter of children, the hum of traffic. Here, it was just the sound of my own footsteps. I felt a strange mix of emotions, a mix of awe and fear. I was alone in a world that seemed so different from the one I had left behind.

3. The journey had been long and arduous, but I was finally here. I had reached the place I had dreamed of for so long. The snow-covered mountains were majestic and beautiful, a sight that I would never forget. I had come to a new world, a world that was both terrifying and exciting. I had to adapt to this new environment, to learn the ways of this new world. I would face challenges that I had never before, but I was determined to overcome them. I would prove to myself that I was capable of anything.

4. The first night was the hardest. I had never slept in a tent before, and the cold was unbearable. I had heard that the nights were cold, but I didn't realize how cold they would be. The tent was small and cramped, and the air was thick with the smell of the ground. I had to huddle under my blanket, trying to keep warm. I had never felt so vulnerable before. I was alone in a world that was so different from the one I had left behind. I had to find a way to survive, to find a way to make this place my home.

5. The second day was a day of discovery. I had explored the area around the tent, and I had found some interesting things. There were small pools of water, and I had seen some strange plants. I had never seen anything like this before. I was fascinated by the new world I had entered. I had come to a place that was both beautiful and dangerous. I had to be careful, but I was also excited. I was going to explore this new world, to learn everything I could about it. I was going to make this place my home.

6. The third day was a day of challenge. I had to climb a steep mountain, and the snow was making it difficult. I had never climbed a mountain before, and I was not sure if I was capable. I had to push myself, to push through the pain and the fear. I had to reach the top, to see the view from above. I was going to prove to myself that I was capable of anything. I was going to make this place my home.

7. The fourth day was a day of triumph. I had reached the top of the mountain, and I was looking out over the world. The snow-covered mountains were majestic and beautiful, a sight that I would never forget. I had come to a new world, a world that was both terrifying and exciting. I had to adapt to this new environment, to learn the ways of this new world. I would face challenges that I had never before, but I was determined to overcome them. I would prove to myself that I was capable of anything.

8. The fifth day was a day of reflection. I had spent the last few days in a world that was so different from the one I had left behind. I had to think about what I had learned, about what I had discovered. I had come to a new world, a world that was both terrifying and exciting. I had to adapt to this new environment, to learn the ways of this new world. I would face challenges that I had never before, but I was determined to overcome them. I would prove to myself that I was capable of anything.

9. The sixth day was a day of hope. I had found a way to survive, to find a way to make this place my home. I had adapted to this new environment, to learn the ways of this new world. I would face challenges that I had never before, but I was determined to overcome them. I would prove to myself that I was capable of anything.

10. The seventh day was a day of joy. I had found a way to survive, to find a way to make this place my home. I had adapted to this new environment, to learn the ways of this new world. I would face challenges that I had never before, but I was determined to overcome them. I would prove to myself that I was capable of anything.

11. The eighth day was a day of love. I had found a way to survive, to find a way to make this place my home. I had adapted to this new environment, to learn the ways of this new world. I would face challenges that I had never before, but I was determined to overcome them. I would prove to myself that I was capable of anything.

12. The ninth day was a day of peace. I had found a way to survive, to find a way to make this place my home. I had adapted to this new environment, to learn the ways of this new world. I would face challenges that I had never before, but I was determined to overcome them. I would prove to myself that I was capable of anything.

13. The tenth day was a day of happiness. I had found a way to survive, to find a way to make this place my home. I had adapted to this new environment, to learn the ways of this new world. I would face challenges that I had never before, but I was determined to overcome them. I would prove to myself that I was capable of anything.

14. The eleventh day was a day of contentment. I had found a way to survive, to find a way to make this place my home. I had adapted to this new environment, to learn the ways of this new world. I would face challenges that I had never before, but I was determined to overcome them. I would prove to myself that I was capable of anything.

15. The twelfth day was a day of fulfillment. I had found a way to survive, to find a way to make this place my home. I had adapted to this new environment, to learn the ways of this new world. I would face challenges that I had never before, but I was determined to overcome them. I would prove to myself that I was capable of anything.

16. The thirteenth day was a day of achievement. I had found a way to survive, to find a way to make this place my home. I had adapted to this new environment, to learn the ways of this new world. I would face challenges that I had never before, but I was determined to overcome them. I would prove to myself that I was capable of anything.

17. The fourteenth day was a day of success. I had found a way to survive, to find a way to make this place my home. I had adapted to this new environment, to learn the ways of this new world. I would face challenges that I had never before, but I was determined to overcome them. I would prove to myself that I was capable of anything.

18. The fifteenth day was a day of triumph. I had found a way to survive, to find a way to make this place my home. I had adapted to this new environment, to learn the ways of this new world. I would face challenges that I had never before, but I was determined to overcome them. I would prove to myself that I was capable of anything.

19. The sixteenth day was a day of joy. I had found a way to survive, to find a way to make this place my home. I had adapted to this new environment, to learn the ways of this new world. I would face challenges that I had never before, but I was determined to overcome them. I would prove to myself that I was capable of anything.

20. The seventeenth day was a day of love. I had found a way to survive, to find a way to make this place my home. I had adapted to this new environment, to learn the ways of this new world. I would face challenges that I had never before, but I was determined to overcome them. I would prove to myself that I was capable of anything.

21. The eighteenth day was a day of peace. I had found a way to survive, to find a way to make this place my home. I had adapted to this new environment, to learn the ways of this new world. I would face challenges that I had never before, but I was determined to overcome them. I would prove to myself that I was capable of anything.

22. The nineteenth day was a day of happiness. I had found a way to survive, to find a way to make this place my home. I had adapted to this new environment, to learn the ways of this new world. I would face challenges that I had never before, but I was determined to overcome them. I would prove to myself that I was capable of anything.

23. The twentieth day was a day of contentment. I had found a way to survive, to find a way to make this place my home. I had adapted to this new environment, to learn the ways of this new world. I would face challenges that I had never before, but I was determined to overcome them. I would prove to myself that I was capable of anything.

24. The twenty-first day was a day of fulfillment. I had found a way to survive, to find a way to make this place my home. I had adapted to this new environment, to learn the ways of this new world. I would face challenges that I had never before, but I was determined to overcome them. I would prove to myself that I was capable of anything.

25. The twenty-second day was a day of achievement. I had found a way to survive, to find a way to make this place my home. I had adapted to this new environment, to learn the ways of this new world. I would face challenges that I had never before, but I was determined to overcome them. I would prove to myself that I was capable of anything.

26. The twenty-third day was a day of success. I had found a way to survive, to find a way to make this place my home. I had adapted to this new environment, to learn the ways of this new world. I would face challenges that I had never before, but I was determined to overcome them. I would prove to myself that I was capable of anything.

27. The twenty-fourth day was a day of triumph. I had found a way to survive, to find a way to make this place my home. I had adapted to this new environment, to learn the ways of this new world. I would face challenges that I had never before, but I was determined to overcome them. I would prove to myself that I was capable of anything.

28. The twenty-fifth day was a day of joy. I had found a way to survive, to find a way to make this place my home. I had adapted to this new environment, to learn the ways of this new world. I would face challenges that I had never before, but I was determined to overcome them. I would prove to myself that I was capable of anything.

29. The twenty-sixth day was a day of love. I had found a way to survive, to find a way to make this place my home. I had adapted to this new environment, to learn the ways of this new world. I would face challenges that I had never before, but I was determined to overcome them. I would prove to myself that I was capable of anything.

30. The twenty-seventh day was a day of peace. I had found a way to survive, to find a way to make this place my home. I had adapted to this new environment, to learn the ways of this new world. I would face challenges that I had never before, but I was determined to overcome them. I would prove to myself that I was capable of anything.

31. The twenty-eighth day was a day of happiness. I had found a way to survive, to find a way to make this place my home. I had adapted to this new environment, to learn the ways of this new world. I would face challenges that I had never before, but I was determined to overcome them. I would prove to myself that I was capable of anything.

32. The twenty-ninth day was a day of contentment. I had found a way to survive, to find a way to make this place my home. I had adapted to this new environment, to learn the ways of this new world. I would face challenges that I had never before, but I was determined to overcome them. I would prove to myself that I was capable of anything.

33. The thirtieth day was a day of fulfillment. I had found a way to survive, to find a way to make this place my home. I had adapted to this new environment, to learn the ways of this new world. I would face challenges that I had never before, but I was determined to overcome them. I would prove to myself that I was capable of anything.

34. The thirty-first day was a day of achievement. I had found a way to survive, to find a way to make this place my home. I had adapted to this new environment, to learn the ways of this new world. I would face challenges that I had never before, but I was determined to overcome them. I would prove to myself that I was capable of anything.

35. The thirty-second day was a day of success. I had found a way to survive, to find a way to make this place my home. I had adapted to this new environment, to learn the ways of this new world. I would face challenges that I had never before, but I was determined to overcome them. I would prove to myself that I was capable of anything.

36. The thirty-third day was a day of triumph. I had found a way to survive, to find a way to make this place my home. I had adapted to this new environment, to learn the ways of this new world. I would face challenges that I had never before, but I was determined to overcome them. I would prove to myself that I was capable of anything.

37. The thirty-fourth day was a day of joy. I had found a way to survive, to find a way to make this place my home. I had adapted to this new environment, to learn the ways of this new world. I would face challenges that I had never before, but I was determined to overcome them. I would prove to myself that I was capable of anything.

38. The thirty-fifth day was a day of love. I had found a way to survive, to find a way to make this place my home. I had adapted to this new environment, to learn the ways of this new world. I would face challenges that I had never before, but I was determined to overcome them. I would prove to myself that I was capable of anything.

39. The thirty-sixth day was a day of peace. I had found a way to survive, to find a way to make this place my home. I had adapted to this new environment, to learn the ways of this new world. I would face challenges that I had never before, but I was determined to overcome them. I would prove to myself that I was capable of anything.

40. The thirty-seventh day was a day of happiness. I had found a way to survive, to find a way to make this place my home. I had adapted to this new environment, to learn the ways of this new world. I would face challenges that I had never before, but I was determined to overcome them. I would prove to myself that I was capable of anything.

41. The thirty-eighth day was a day of contentment. I had found a way to survive, to find a way to make this place my home. I had adapted to this new environment, to learn the ways of this new world. I would face challenges that I had never before, but I was determined to overcome them. I would prove to myself that I was capable of anything.

42. The thirty-ninth day was a day of fulfillment. I had found a way to survive, to find a way to make this place my home. I had adapted to this new environment, to learn the ways of this new world. I would face challenges that I had never before, but I was determined to overcome them. I would prove to myself that I was capable of anything.

43. The fortieth day was a day of achievement. I had found a way to survive, to find a way to make this place my home. I had adapted to this new environment, to learn the ways of this new world. I would face challenges that I had never before, but I was determined to overcome them. I would prove to myself that I was capable of anything.

44. The forty-first day was a day of success. I had found a way to survive, to find a way to make this place my home. I had adapted to this new environment, to learn the ways of this new world. I would face challenges that I had never before, but I was determined to overcome them. I would prove to myself that I was capable of anything.

45. The forty-second day was a day of triumph. I had found a way to survive, to find a way to make this place my home. I had adapted to this new environment, to learn the ways of this new world. I would face challenges that I had never before, but I was determined to overcome them. I would prove to myself that I was capable of anything.

46. The forty-third day was a day of joy. I had found a way to survive, to find a way to make this place my home. I had adapted to this new environment, to learn the ways of this new world. I would

1 by McConnell? They were not repairs, were they? Because
2 you have another account for tunnel repairs.

3 A There would be another account for tunnel repairs.

4 Q So were not these for new construction?

5 A Those, I believe, were for new construction.

6 Q About that time did you go on the ground to inspect any
7 of the work, that you recall?

8 A I did not. I might have been on the ground, but I didn't
9 inspect anything.

10 Mr. Britt: Now these three items here, if you will allow
11 those to remain here-- I haven't any disposition to take
12 them out of your possession permanently, but I may want to
13 use these a little further in the case, and if you will have
14 them in court,-- or Mr. Joliffe may take charge of them,--
15 and when they have served their purpose they can be returned
16 to your files.

17 Mr. Joliffe: Mr. Shepherd will remain in attendance of
18 the court.

19 Mr. Britt: That will be all right.

20 Q Have you a voucher for the item of March 31, 1904, for
21 \$248.78 appearing in the ledger at page 119?

22 A I believe there is a voucher in the office of the com-
23 pany for every item in this whole ledger.

24 Q But you don't happen to know what it was for,-- or the
25 next item?

26 A No, sir; except that it was charged up to the Stowell
27 tunnel.

28 Q And it was for work of construction?

29 A I think so.

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Q And not for repairs?

A I think not.

Q Now, the construction that was going on at that time was for the purpose of connecting the Madie tunnel with well No. 14, wasn't it?

A I don't know if this was the particular ~~date~~ work at this date; but I do know that there was a contract with McConnell for the purpose of connecting well No. 14 to the Madie tunnel.

Q Have you that contract?

A I think I have a copy in the minutes.

Mr. McKinley: Pardon the interruption. It was not a copy, but it was the original.

(The witness produces minute book of Ontario Power Company.)

Mr. Britt: We offer this contract in evidence, being a contract dated April 20, 1902, by and between A. L. McConnell and the Ontario Power Company, recorded at pages 102, 103, and 104 of Minute Book 1 of the Ontario Power Company.

I will state for the information of the Court that it appears to be a contract for continuing the tunnel described to a connection with well 14.

The following is a copy of said contract as the same appears in the said minute book:

1. The first of these is the fact that the
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1 CONTRACT, A. L. McDONNELL and ONTARIO

2 POWER COMPANY.

3 "THIS AGREEMENT, made the 20th day of April, 1902 by
4 and between A. L. McDonnell, the PARTY OF THE FIRST PART, and
5 ONTARIO POWER COMPANY, a corporation, PARTY OF THE SECOND PART,

6 IT IS AGREED: That the said party of the FIRST part, in consid-
7 eration of the covenants on the part of the party of the SECOND
8 part, hereinafter contained, hereby covenants with the said party
9 of the second part, that said party of the first part will
10 build and construct in a good and workmanlike manner, a shaft
11 of suitable size for convenient working at well No. 14 and
12 also a tunnel three feet wide and four feet high between the
13 present face of Tunnel No. 2 and well No. 14 a distance of (80)
14 eighty feet. all in Sec. 4 Tp. 1 S. R. 7 E. S. 2 E. on the Cucamonga
15 Rancho, San Bernardino County.

16 "Work to be prosecuted diligently with three shifts of
17 three men each, and earth excavated to be hoisted and dumped on
18 the surface convenient to present shaft.

19 "Said FIRST party to furnish all labor, machinery, tools
20 hoists, ammunition, track, cables, boilers, air pipes, blowers and
21 all things necessary for the rapid construction of said tunnel
22 except timbers, lumber and iron necessary to be used in construct-
23 ion of said shaft and tunnel. Said lumber to be delivered at
24 the working shaft by said second party and to be framed and put
25 in place by FIRST party.

26 "The shaft shall be lined with two inch plank prop-
27 erly spiked with partition as portion heretofore constructed,
28 and if drive lagging has to be used 6" X 6" Oregon Pine properly
29 framed shall be used.

1
2 "The tunnel shall be lined with two inch lagging upon
3 setts four feet centers of 6"X6" all framed in a good and work-
4 manlike manner similar to work heretofore performed on said
5 tunnel. All lumber to be sound merchantable Oregon Pine.

6 "Said SECOND PARTY agrees to furnish pump and power
7 and one man to represent said second party and to have charge
8 of said machinery; and said SECOND PARTY agrees to pump out
9 the water at well no. 14 to the grade of said tunnel. Pumps,
10 pipes, connections, motors, belts, and all things necessary for
11 running the same to be furnished in place by said SECOND party.
12 The FIRST party to furnish all labor for lowering and re-setting
13 pump as the shaft is deepened. The price agreed upon for
14 said work is (\$960) nine hundred and sixty dollars.

15 " Said SECOND party agrees to pay said FIRST party for
16 and in consideration of the covenants on the part of said
17 FIRST party herinbefore contained, for 75% of the work and
18 distance completed on the first day of each and every month at
19 the average rate per foot, which sum shall be due and payable
20 on or before the 5th day of each and every month for work done
21 during previous month. The balance shall be due and paid,
22 thirty five days after the completion of the whole contract,

23 "Any work which might be reasonably construed as nec-
24 essary for safety of property of said SECOND party in or about
25 said tunnel, shaft, or machinery, may be done by said second
26 party or shall be performed by said FIRST party, on request of
27 said SECOND party, or its representative, at actual cost of labor
28 and material with 15 per cent. added.

29 "It is mutually agreed that said SECOND party shall

1 have the option of extending said tunnel No. 2 northerly to the
2 base line on the present surveyed route or such other route as
3 may be mutually agreed upon, in which case the rate per foot
4 for all work done under this contract and on the route as far
5 as the base line shall be figured and paid for at the rate of
6 \$11 and 75/100 dollars (\$11.75) per lineal foot for tunnel
7 and the same price per foot for each foot in depth for each
8 shaft requiring to be deepened.

9 In WITNESS WHEREOF, the said FIRST party has hereto set his
10 hand, and said SECOND party hath, by resolution of its
11 Board of Directors, caused its corporate name and seal to be
12 affixed hereto and these presents to be executed by its President
13 and Secretary.

14 WITNESSES the undersigned, J. L. McConnell

15 Party of the

16 FIRST PART.

17
18 ON THIS 10TH DAY OF

19 (Corporate Seal)

By E. C. Forckhoff President

20 By Otto Weiss Secretary.

1 Q Now, Mr. Shepherd, there was a question here whether the
2 lease between Stowell and the San Antonio Water Company,
3 made in 1896, was in writing. Have you made an examination
4 to see whether you have any such paper?

5 A I have not.

6 Q Then there was a subsequent arrangement in 1898. Have
7 you found any written agreement for that year between Stow-
8 ell and the San Antonio Water Company?

9 A I haven't looked for that agreement, but I am almost
10 certain that it was a verbal agreement and that there is no
11 contract. But if there is a contract I will have it down
12 here on Monday.

13 Q Now there was something said about an agreement with
14 Frankish and Stamm about 1898 or '9: was that in writing or
15 have you looked to see?

16 A I haven't looked to see, but I am quite positive on that
17 also that the San Antonio Water Company simply got a letter
18 from Frankish and Stamm of the Ontario Improvement Company
19 permitting them to pump that well, and that there was no
20 contract. The first arrangement was in '96 and then it
21 skipped over and another was made in '98. That is the way
22 I remember it.

23 Q There was no agreement other than the letter?

24 A That is all.

25 Q Have you that letter preserved?

26 A I think that letter was burned up when the office was
27 burned a few years ago. All of the old letters were on
28 the outside of the vault and all of our letters previous to
29 that time of the fire have been destroyed.

1 I have been thinking of you very much lately, and
2 wondering how you are getting on. I hope you are
3 well and happy. I have been very busy lately, but
4 I have managed to find some time to write to you.
5 I have been thinking of you very much lately, and
6 wondering how you are getting on. I hope you are
7 well and happy. I have been very busy lately, but
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28 I have managed to find some time to write to you.
29 I have been thinking of you very much lately, and
30 wondering how you are getting on. I hope you are
well and happy. I have been very busy lately, but
I have managed to find some time to write to you.

1 Q Was this work that was done by McConnell along toward
2 the end of 1903 and possibly early in 1904 done in the car-
3 rying out of this contract of April, 1902?

4 Mr. McKinley: Objected to as calling for the conclusions
5 of the witness.

6 The Court: The question is whether this work was done un-
7 der this contract.

8 Q Probably I can get at it in another way. Let the ques-
9 tion be withdrawn. Was that work, the payment for which is
10 evidenced by these vouchers of December 31, 1903, and two
11 others to which your attention was last directed, a part of
12 the work described in the contract of April 2, 1902?

13 A I haven't any personal knowledge of that fact, only know-
14 ing that the bills came into the office and they were paid
15 through the office after being passed by Mr. Lecke.

16 Q Now you mentioned yesterday or the day before that there
17 was a contract between the Ontario Power Company and the
18 San Antonio Water Company regulating certain of their rela-
19 tions, I think for the distribution of water, and you were
20 asked to produce the contract.

21 A I will produce it but I haven't it here.

22 Q Where is it now?

23 A I think it is in the San Antonio Water Company's office.

24 Q That is one of the papers we requested might be produced,
25 and you will bring it at the next session of the court.

26 A Yes, sir; the reason I haven't brought down a lot of
27 those papers that you requested was the fact that ~~the~~ I
28 worked till 11:30 to get the data that I did bring down on
29 that 16th Street well, and I thought it was time to quit.

1. The first part of the report deals with the general situation of the country and the results of the survey. It is divided into two main sections: (a) the general situation and (b) the results of the survey. The general situation is described in terms of the political, economic, and social conditions of the country. The results of the survey are presented in a series of tables and graphs, showing the distribution of the population, the level of education, and the state of the economy.

2. The second part of the report deals with the specific findings of the survey. It is divided into three main sections: (a) the distribution of the population, (b) the level of education, and (c) the state of the economy. Each section contains a detailed analysis of the data collected, and a comparison with the results of previous surveys.

3. The third part of the report deals with the conclusions and recommendations. It is divided into two main sections: (a) the conclusions and (b) the recommendations. The conclusions are based on the findings of the survey, and the recommendations are based on the conclusions. The recommendations are presented in a series of bullet points, and are intended to provide a guide for the government and the people of the country.

4. The fourth part of the report deals with the appendix. It contains a list of the names of the people who participated in the survey, and a list of the names of the people who provided information for the survey. It also contains a list of the names of the people who provided information for the survey, and a list of the names of the people who provided information for the survey.

5. The fifth part of the report deals with the bibliography. It contains a list of the books and articles that were consulted in the preparation of the report. It also contains a list of the names of the people who provided information for the survey, and a list of the names of the people who provided information for the survey.

6. The sixth part of the report deals with the index. It contains a list of the names of the people who participated in the survey, and a list of the names of the people who provided information for the survey. It also contains a list of the names of the people who provided information for the survey, and a list of the names of the people who provided information for the survey.

7. The seventh part of the report deals with the conclusion. It contains a list of the names of the people who participated in the survey, and a list of the names of the people who provided information for the survey. It also contains a list of the names of the people who provided information for the survey, and a list of the names of the people who provided information for the survey.

8. The eighth part of the report deals with the appendix. It contains a list of the names of the people who participated in the survey, and a list of the names of the people who provided information for the survey. It also contains a list of the names of the people who provided information for the survey, and a list of the names of the people who provided information for the survey.

9. The ninth part of the report deals with the bibliography. It contains a list of the books and articles that were consulted in the preparation of the report. It also contains a list of the names of the people who provided information for the survey, and a list of the names of the people who provided information for the survey.

10. The tenth part of the report deals with the index. It contains a list of the names of the people who participated in the survey, and a list of the names of the people who provided information for the survey. It also contains a list of the names of the people who provided information for the survey, and a list of the names of the people who provided information for the survey.

Q I quite agree with you. I will ask you then next to show us the minutes of the proceedings of the San Antonio Water Company looking to the purchase of or acquisition by that company of the stock of the Ontario Power Company. First, the minutes of the stockholders, if there are any, and then the minutes of the directors.

A Minutes of May 8, 1902.

Q Read them and the Reporter will take them down.

A. (Reading)

"Ontario Cal May 8, 1902.

"Special meeting of the Board of Directors of San Antonio Water Co. held on this 8th day of May, 1902, at the Hollenbeck Hotel in Los Angeles, Cal. Present T. T. Lecke, W. B. Stewart, J. T. Lindley, A. P. Harwood and C. Ruddy. Absent, none.

"On motion of A. P. Harwood seconded by C. Ruddy the following resolution was adopted:

"WHEREAS, this corporation has, by virtue of the provisions of a contract, dated April 21th, 1902, between the San Antonio Water Company, party of the first part, Ontario Power Company, party of the second part, Sierra Power Company, party of the third part, and T. G. Kerckhoff, party of the fourth part, entered into certain agreements for the compromise of conflicting claims between itself and the other parties to said instrument; and,

"WHEREAS, among other matters in said instrument provided, it is stipulated and agreed that there shall be an assignment of all the stock of the Ontario Power Company, in said agreement mentioned, to San Antonio Water Company, or such

1 I have given you the first and last of the
2 shows in the history of the world. I have
3 taken every thing; and the history of the world
4 is the history of the world. I have given
5 you the history of the world. I have given
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29 you the history of the world. I have given
30 you the history of the world. I have given

1 person as it may designate to hold such stock; and,

2 "WHEREAS, it now becomes necessary for this corporation
3 to designate some person to act as its trustee for the holding
4 of said stock, other than the five shares of stock which
5 are necessary to qualify each of the directors in said Ontar-
6 io Power Company under its by-laws, to-wit, twenty-five
7 shares; therefore

8 "BE IT RESOLVED, that, W. T. Lecke, of Ontario, in the
9 county of San Bernardino, state of California, is hereby ap-
10 pointed by the San Antonio Water Company to take a transfer of
11 4975 shares of the capital stock of said Ontario Power Company,
12 and to receive and hold the same as trustee of said San Antonio
13 Water Company; and said Lecke is hereby authorized, until the
14 further order of this board, to vote said stock at any meet-
15 ing of the stockholders of said Ontario Power Company and to
16 exercise his best judgment in the premises; it being under-
17 stood that of the 25 shares remaining after the assignment to
18 said Lecke as herein provided of said 4975 shares, of the cap-
19 ital stock of said Ontario Power Company, said 25 shares shall
20 be issued in certificates of five shares each to the follow-
21 ing named persons, to-wit: B. C. Shepherd and H. Richardson
22 and Robert Manley and L. B. Dyer and Geo. E. Otis, which said
23 persons shall take and hold said stock with their understanding
24 that on request of the San Antonio Water Company to them or
25 either of them at any time made they and each of them will
26 transfer and assign said stock by each of them so respectively
27 held on receipt of \$5.00 for each certificate of five shares
28 to the said San Antonio Water Company or such person or per-
29 sons as it may designate. It being understood that said stock

The first of these is the fact that the
 government has been unable to
 secure the necessary funds to
 carry out its policy of
 maintaining the peace in
 the border regions. This
 has led to a situation in
 which the government is
 unable to pay the salaries
 of its troops, and the
 result is that the troops
 are deserting in large
 numbers. This has led to
 a situation in which the
 government is unable to
 maintain its control over
 the border regions, and
 the result is that the
 border regions are now
 under the control of
 the rebels. This is a
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 under the control of
 the rebels. This is a
 serious situation, and it
 is one which the
 government must face.

1 shall not be incumbered or alienated by any of said parties
2 until they and each of them have first given said Ontario
3 Power Company the opportunity to purchase the same at the
4 price and as hereinbefore provided.

5 "Ayes: Messrs Harwood Lindley Percy Stewart & Locke.

6 "Noes: None.

7
8 "The following resolution was adopted on motion of J.
9 T. Lindley sec. by P. H. Stewart:

10 "Resolved That it is the sense of this Board of Direct-
11 ors that upon the assignment to J. T. Locke of the 4975
12 shares of the Ontario Power Co. mentioned in the previous
13 resolution That said J. T. Locke should be appointed by the
14 Board of Directors of said Ontario Power Company as the
15 General Manager of said Power Co. for the term of five years
16 from his appointment as such and that a contract should be
17 entered into between said Power Co. and said J. T. Locke cov-
18 ering said term and providing that the full management of
19 the business and affairs of said Ontario Power Co. outside on-
20 ly of the routine business of the Board of Directors of said
21 Company, be committed to said J. T. Locke at such compensa-
22 tion for his services as such manager as may be agreed upon
23 for said term between said J. T. Locke and said Board of
24 Directors.

25 "And it is further hereby Resolved that the Trusteeship
26 created by the preceding resolution as to the 4975 shares of
27 stock shall continue in any event during the said term of
28 five years during when said Locke shall act as Manager for said
29 Ontario Power Co. and for such other term as he may act as

1 such manager, and that said trusteeship shall not in the mean-
2 time be recalled or revoked by any act or resolution of the
3 Board of Directors of this Corporation.

4 "Ayes: A. F. Harvey, J. T. Lindsay, C. Rudy, A. E.
5 Stewart and W. E. Locke.

6 "Noes: None.

7
8 "The following resolution adopted by unanimous vote:

9 "Whereas by a certain contract dated April 21, 1907, it
10 was provided that the Ontario Power Co. therein mentioned should
11 construct a line of pipe and conduit through Sec. 1 & Sec. 12
12 & 13 (above division dam so called) to a power house site on
13 Sec. 13 and whereas it has been to the interest of said
14 Ontario Power Company that said work should not be delayed until
15 the final carrying out of all the provisions of said contract
16 and whereas this corporation to facilitate the said construc-
17 tion have advanced and will advance the funds necessary to
18 carry on said construction until such time as said Ontario
19 Power Co. is in a position to itself assume the entire cost of
20 said construction, as in said contract provided, to-wit: until
21 the transfer of said stock of said Ontario Power Co. to this
22 corporation as in said contract provided: Now Therefore be it
23 Resolved that said money so advanced and to be advanced as
24 aforesaid has been advanced and will be advanced as hereinafter
25 fore stated with the expectation and understanding on the part
26 of this corporation that said sum shall be repaid to it by
27 said Ontario Power Co. as soon as it is in a position to make
28 such repayment.

29 " The minutes of meetings held Feb. 4th, 13th, 16th,

March 5, 21st, 27th, April 12th, 17th, 24th and May 6th read and approved. A. journaled.

W. E. Shepherd

Sec.

Q At that time, was that stock mentioned, the 4975 shares, issued by the Ontario Power Company to Mr. Leeke as trustee? Do your books show?

A I think it was transferred at that time.

Q Is there any resolution of either stockholders or directors of the San Antonio Water Company appearing of record in any of these books before May 8th, 1902, on the subject of acquiring the stock or the business, or the property of the Ontario Power Company?

A I find that on April 17, 1902, on page 164 of the minutes of the San Antonio Water Company the following record:

(Resolution Appointing W.T.Leeke Trustee to hold Ontario Power Company Stock).

(San Antonio Water Company Minutes, April 17, 1902. Page 164)

"Ontario, Cal., April 17, 1902.

"Special Meeting of the Board of Directors of San Antonio Water Co., held on the above written date at 3 p.m.

"Full Board present.

"Moved by J.T.Lindley, Sec. by A.P.Marwood that W.T.Leeke is hereby appointed to act as trustee to hold the stock of Ontario Power Co. about to be purchased by San Antonio

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Water Co.; and for such other purposes as may be appurtenant.

"Carried unanimously."

A I think that was the first.

Q Is there anything subsequently to those resolutions which you read a few minutes ago pertaining to the same subject?

A There is. April 24, at page 170, there is a special meeting of the Board of Directors of the San Antonio Water Company which referred to those matters.

Q What business was transacted then as appears from the minutes?

A (Reading)

(Minutes of San Antonio Water Company, April 24, 1902, as to Transfer of Ontario Power Company interests to San Antonio Water Company. Page 170, minutes)

"Ontario Cal April 24th 1902 -

"Special Meeting of the Board of Directors of San Antonio Water Co. held on the above written date at the office of the San Gabriel Electric Co. in the City of Los Angeles

"Present Messrs. E.T. Leeke, A.B. Stewart, J.T. Lindley A.P. Harwood and C. Ruedy

"Absent - None.

"The following resolutions were adopted by unanimous vote:

"At a meeting of the Board of Directors of the San Antonio Water Company held this 24th day of April, 1902, at which all the Directors of said corporation were present,

1 a resolution to the following effect was offered by J.T.
2 Lindley, seconded by W.B. Stewart, that this Board approve
3 all the provisions of the contract dated this day, between
4 the San Antonio Water Company party of the first part;
5 Ontario Power Company, party of the second part; Sierra
6 Power Company, party of the Third part; and William G.
7 Kerckhoff, party of the fourth part, which said contract
8 is in the words and figures following, to-wit:-

9 "THIS MEMORANDUM, made this 24th day of April, 1902,
10 by and between the SAN ANTONIO WATER COMPANY, a corporation,
11 duly organized, existing and doing business under the laws
12 of the State of California, party of the first part, and
13 ONTARIO POWER COMPANY, a corporation duly organized, exist-
14 ing and doing business under the laws of the State of
15 California, the party of the second part, and the SIERRA
16 POWER COMPANY, a like organization organized under the
17 laws of the State of California, party of the third part,
18 and WILLIAM G. KERCKHOFF of the County of Los Angeles,
19 State of California, party of the fourth part, WITNESSETH:-

20 "WHEREAS, the parties hereto respectively except said
21 W. G. Kerckhoff claim certain interestes in and to the use
22 of the waters of the San Antonio Creek, a stream rising in
23 the mountains north of the colony on Ontario, and running
24 thence in a southerly direction through the San Antonio
25 Canon, so-called, onto the plain below said mountains, which
26 said stream lies partially in San Bernardino County and
27 partially in Los Angeles County in said State, which said
28 claims of said parties respectively are in many respects
29 conflicting; and,

[illegible]

1 "WHEREAS, there is a difference of opinion between the
2 said Sierra Power Company and the San Antonio Water Company
3 as to the location of certain section lines involving the
4 title to the land occupied by said Sierra Power Company for
5 power purposes; and,

6 "WHEREAS, there are other differences between the said
7 corporations; and,

8 "WHEREAS, further, it is desired by all the parties here-
9 to to adjust the differences existing between them, in
10 regards to the rights to the use of the flow of said stream,
11 for power purposes, and their differences as to the loca-
12 tion of the said section lines above referred to, to the
13 end that litigation may be avoided, and the claims of the
14 respective parties finally settled and adjusted; now,
15 therefore,

16 "KNOW ALL MEN BY THESE PRESENTS: That the parties hereto
17 respectively agree, for the purpose of effecting said set-
18 tlement and adjustment of their respective rights and dif-
19 ferences, as follows, to wit;

20 "1. The party of the first part and the party of the
21 second part herein covenant and agree that they will, upon
22 demand, convey to William G. Kerckhoff, or to such person
23 or corporation as he may indicate, all their right, title
24 and interest in and to the right to use the flow of said
25 stream for power purposes, north of the southerly line of
26 Section 36, in Township 2 North, Range 8 West, and at any
27 and all points on said stream in Township 2 North, Ranges
28 7 and 8 West, all San Bernardino Base & Meridian; and a
29 right of way for road to furnish convenient means of in-

gress and egress to said lands north of said section over

1. The first of the four main points of the report is that the Government should continue to support the development of the private sector. This is because the private sector is the main source of employment and growth in the economy. The Government should therefore continue to support the private sector through various measures, such as providing financial assistance, reducing taxes, and improving the legal and regulatory environment.

2. The second point is that the Government should continue to support the development of the public sector. This is because the public sector is the main source of social services and infrastructure. The Government should therefore continue to support the public sector through various measures, such as providing financial assistance, reducing taxes, and improving the legal and regulatory environment.

3. The third point is that the Government should continue to support the development of the agricultural sector. This is because the agricultural sector is the main source of food and raw materials. The Government should therefore continue to support the agricultural sector through various measures, such as providing financial assistance, reducing taxes, and improving the legal and regulatory environment.

4. The fourth point is that the Government should continue to support the development of the industrial sector. This is because the industrial sector is the main source of manufactured goods and services. The Government should therefore continue to support the industrial sector through various measures, such as providing financial assistance, reducing taxes, and improving the legal and regulatory environment.

1 Sections 1, 12, 13 and said Section 36 hereinafter described.

2 "2. It is further stipulated and agreed that the Ontario
3 Power Company, the party of the second part, shall procure
4 to be executed a transfer of all its capital stock, to wit,
5 Five Thousand (5000) shares thereof, to such person or
6 persons as may be indicated by said party of the first part
7 to receive said assignment of stock, contemporaneously with
8 the transfer, conveyance and releases herein contemplated
9 to be made by party of the first part to William G. Kerckhoff,
10 or to such person or corporation as may be indicated by
11 said William G. Kerckhoff, as hereinabove provided, it
12 being understood that the property of the party of the
13 second part is now subject to a bonded indebtedness of
14 Fourt Hundred Thousand Dollars (\$400,000) payable, accord-
15 ing to the terms of said bonds, thirty years from the date
16 thereof, and bearing interest at the rate of five (5) per
17 cent per annum payable semi-annually.

18 "It is further stipulated and understood that at the
19 time of the transfer of said stock the said Ontario Power
20 Company shall be absolutely out of debt, save and except for
21 the issue of bonds hereinabove referred to. The interest
22 to begin on the outstanding issue of said bonds to the a-
23 mount of \$380,000.00 from the 4th day of May, 1902.

24 "It is furthermore agreed and understood that, at the
25 time said transfer is effected of said stock, the said On-
26 tario Power Company, party of the second part herein, shall
27 be the owner of the following described real and personal
28 property, to wit:

29 "First. Section 1, Township 1 North, Range 3 West, S.B.M.,

Section 1, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 8

1 reserving however so much thereof as may have been conveyed
2 to J. M. Elliott as a reservoir site subject to the rights
3 of way in said deed to J. M. Elliott for a transmission
4 line; and rights of way for a road to furnish convenient
5 means of ingress and egress over Sections 1, 12 and 13.

6 "Second. Section 25, Township 2 North, Range 8 West,
7 S. B. M., excepting however therefrom so much thereof as may
8 have been conveyed to J. M. Elliott for a power-house not
9 exceeding five (5) acres, and reservoir sites, and subject
10 to such easements and rights of way as may be contained in
11 said deed dated the _____ day of _____, 1902:
12 reserving furthermore, that certain tract of land estimated
13 to contain five acres of land conveyed to William G. Kerckhoff
14 by deed dated the _____ day of April, 1902.

15 "Third. Lots in Trust Deed. Part of Section 4. See
16 Certificate of title #16182 - - - 262 Acres

17 Lot 4, Sec. 9 Township 1 S. R. 7 W. S. B. M.
18 " 1-2-3-4-, Sec. 8, Township 1 S. R. 7 W. S. B. M., 100 acres
362 A., C.F.L. Co.
19 Lots 245-6-7-8-271-2-3-4-5-309-
10-11-12-13-14 150 Acres }
20 " 337-8-9-348-1-2-3-347-8-9-
350-373-4-5-6- 150 " } 380 A., Stamm
21 " 305-6-7-8-411-12-13-14- 80 " }
22 " 106-7-8-205-6-7-8-9-10-11
240-1-2-3-4- 150 " } 560 A., Frankish
23 " 276-7-8-9-200-1-2-
301-2-3-4-5-6-7-8-315 160 " }
24 " 335-6-344-5-6-377-8-9-
380-419-420-1-2 130 " }
25 " 441-2-3-4-5-6-7-8-
467-8-9-470- 120 " } 1302 A.

26 "All in Ontario Colony lands.
27

28 "Also Block No. 20 of the Cucamonga Homestead Association
29 Tract, as the same is shown upon a map of said tract re-

1 corded in the Official Records of San Bernardino County,
2 saving and excepting Lots 11 and 12 thereof, and all wells,
3 tunnels, shafts and water developments now on said lots, and
4 blocks and land mentioned, and all water flowing or being
5 therein; save and except the 150 inches measured under a
6 four inch pressure arising on said tract and belonging to
7 said San Antonio Water Company, which said water is express-
8 ly understood and stipulated to be in no way covered or
9 affected by any of the terms of this agreement; and save
10 and except further such rights, if any, as are reserved in
11 a certain contract dated April 8, 1899, between the Cucamonga
12 Fruit Land Company and the San Antonio Water Company, which
13 said contract is of record in the office of the County Re-
14 corder of said San Bernardino County. It is further under-
15 stood and agreed that the tunnel running diagonally across
16 the ninety acre tract so-called and all rights connected
17 therewith shall also be owned by said Ontario Power Company
18 at the time of the transfer of said stock except such rights
19 in said tunnel as are owned by said San Antonio Water Company
20 and the Cucamonga Water Company.

21 "Fourth. All rights acquired by party of the second
22 part from A. M. Chaffey, or otherwise, to the use of the
23 water flowing on or through sections 12 and 13, Township 1
24 North Range 8 West S.E.M. for power purposes or otherwise,
25 especially to include any rights acquired by party of the
26 second part or its predecessors in interest under and by
27 virtue of the terms of a certain decree entered in that
28 certain action entitled San Antonio Water Company vs. Ontario
29 Land and Improvement Company et al., No. 5064 of the files
of the Superior Court of San Bernardino County.

1 "FIFTH. The following transformers, motors, wires and
2 poles, the same being the lighting and power system of
3 The Ontario Electric Company, a corporation, beginning at
4 the switch board in the power station and running to the
5 towns of North Ontario and Ontario, and the distribution
6 lines in these two towns. The said list is approximately
7 correct and is now installed ~~yt~~ upon the ground. The same
8 shall not be considered to include any of the poles or
9 wires necessary or now used for the operatuob of the rail-
10 way system upon Euclid Avenue."

11
12 Mr. Britt: As far as any detail of this electrical plant
13 is concerned, unless counsel on the other side desire to
14 have it read, I think we might omit it.

15 Mr. McKinley: We do not care for it.

16 (Matters omitted being a list of transformers installed,
17 light meters installed, wires and poles).

18
19 "It being understood that there shall be in the hands of
20 and owned by the said Ontario Power Company at the time of
21 transfer of stock as herein provided, all poles, wires,
22 lines, tools, implements, appliances and appurtenances,
23 and all existing contracts for lighting purposes in the
24 territory hereinafter specified as territory within which
25 the Ontario Power Company shall be entitled to do business
26 in the furnishing of power for lighting and general purposes.

27 "Sixth. One hundred Thousand Dollars (\$100,000), cash
28 in bank, subject to check of party of the second part.

29 "Seventh. A contract and lease, made and executed by the

1 San Antonio Water Company as party of the first part, to
2 the Ontario Power Company as party of the second part, leas-
3 ing for the term of thirty (30) years, and until said ~~bonded~~
4 bonded indebtedness is finally liquidated, a tract of land
5 of about five acres situated in Section 13, Township 1 North,
6 Range 8 West, S.B.L., upon which a power-house is to be con-
7 structed, by party of the second part; said lease also
8 demising and letting unto the party of the second part therein
9 the right to divert the waters of the San Antonio Creek
10 from Section 1 above described through said Sections 1, 12
11 and 13, to be applied by party of the second part to the
12 generation of power at the said power-house site above re-
13 ferred to. Also leasing rights of way for the construction
14 and maintenance of a conduit over said sections 12 and 13.

15 "Eighth. Contract with William G. Kerckhoff, or with
16 such person or corporation as he may indicate for the pur-
17 chase of surplus power, as more particularly described and
18 set forth in paragraph nine (9) of this agreement.

19 "NINTH. Contract by party of the first part and party
20 of the second part to the following effect, to-wit;- That
21 party of the second part, the Ontario Power Company, will
22 turn over its entire net income to the Union Trust Company
23 of San Francisco, Trustee under the bond issue hereinbefore
24 referred to, to an extent sufficient to satisfy payments of
25 interest on said bonds as they fall due, and sufficient
26 to meet the payments of installments of principal for sink-
27 ing fund as hereinelsewhere provided, as they may fall due,
28 and that should there be any deficiency between the amount
29 of the total net income of said Ontario Power Company and the

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1 amounts required by said Trustee for the payment of said
2 installments of interest, Trustee's charges and sinking
3 fund, in such event the said San Antonio Water Company, the
4 party of the first part shall agree and be held and bound
5 to see that such deficiency is paid into the hands of such
6 Trustee in time to make the said payments of interest and
7 installments on sinking fund promptly when due.

8 "It is understood and agreed that titles to the real
9 and personal property above described are to be held by
10 the Ontario Power Company at the time of transfer of stock,
11 free and clear of all incumbrances except the bonded indebt-
12 edness above described; and further, subject to the ease-
13 ments that may be set forth in the deeds above referred to
14 and as herein provided, and subject moreover to such reserva-
15 tions of rights of way for pipe lines and roads, as may ex-
16 ist of record and are shown upon the official records of the
17 County of San Bernardino, California, against the property
18 described in said subdivision Third hereof, it being under-
19 stood that said property described in said subdivision Third
20 is not encumbered by any agreement to sell or develop water
21 except only however the 130 inches of water of the San
22 Antonio Water Company next hereinafter mentioned.

23 "It is further agreed that no incumbrances by way of
24 mortgages, deeds of trust, attachments or judgments, or in-
25 cumbrances involving money, shall exist against said prop-
26 erties; and subject, moreover, to taxes for the fiscal year
27 1902-3; otherwise to be free of any lien for payment of
28 delinquent taxes; and subject moreover to the conveyance
29 heretofore made, conveying to the San Antonio Water Company

The first of these is the fact that the system is not a simple one. It is a complex one, and it is one that is not easily understood. The second is the fact that the system is not a simple one. It is a complex one, and it is one that is not easily understood. The third is the fact that the system is not a simple one. It is a complex one, and it is one that is not easily understood.

1 130 inches of water in the lands above described, which
2 said conveyance is now of record in the recorder's office
3 of San Bernardino County.

4 "3. For the purpose of creating the asset enumerated in
5 No. 7 in the foregoing schedule of the party of the first
6 part, it is hereby covenanted and agreed that it will, at
7 the time of the execution of the instruments herein referred
8 to, all of which said instruments on the part of the parties
9 hereto are to be effected contemporaneously for the purpose
10 of carrying into effect this contract, execute and deliver
11 to the party of the second part an instrument of lease and
12 contract, wherein and whereby said party of the first part
13 will lease and let, for the term of thirty (30) years to
14 the party of the second part, or until said bonded indebted-
15 edness is finally liquidated, that certain tract of land
16 estimated to contain five acres, more or less, situated in
17 Section 13, Twp. 1 North, Range 8 West, S. S. N., upon which
18 the party of the second part now proposes to construct a
19 power-house. And the said indenture of lease and contract
20 shall likewise grant the right to the party of the second
21 part, for the term of thirty (30) years, or until such bonded
22 indebtedness is finally liquidated, to divert the waters
23 of said San Antonio Creek, flowing over and through Sec-
24 tions 12 and ~~12~~ 13, Township and Range aforesaid, into any
25 other conduit and system of works that the party of the second
26 part may construct, beginning on the north line of Section
27 1, for the purpose of conducting the same to the power-house
28 site above referred to, for the generation of electric power
29 thereat; and shall furthermore lease a sufficient right of

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1 way for the construction, operation, maintenance, and repair
2 of the conduit for carrying the waters to be diverted on
3 Section 1 through said sections 12 and 13 to said power-
4 house site. It being the intention of said instrument to
5 turn over and lease to the party of the second part for the
6 term aforesaid the right to use the waters flowing over and
7 through sections 12 and 13, now owned by the party of the
8 first part, to be used in connection with the waters flowing
9 over and through Section 1 now owned by party of the second
10 part, to effect and form one complete system for the genera-
11 tion of power, to be controlled by the party of the second
12 part.

13 "4. For the purpose of creating the asset enumerated in
14 No. 9 of the foregoing schedule, and as part of the essence
15 of this contract, it is furthermore covenanted and agreed
16 that parties of the first part and second part shall make
17 a contract to the following effect, generally, to-wit:-
18 That party of the second part, the Ontario Power Company,
19 will turn over its entire net income to the Union Trust Com-
20 pany of San Francisco, Trustee, under the bond issue herein-
21 before referred to, to an extent sufficient to satisfy pay-
22 ments of interest on said bonds as they fall due, and suf-
23 ficient to meet the payments of installments of principal for
24 sinking fund as herein elsewhere provided, as they may fall
25 due, and that should there be any deficiency between the a-
26 mount of the total net income of said Ontario Power Company
27 and the amounts required by said Trustee for the payment of
28 said installments of interest, Trustee's charges and sink-
29 ing fund, in such event the said San Antonio Water Company,

[illegible]

1 the party of the first part shall agree and be held and
2 bound to see that such deficiency is paid into the hands
3 of such Trustee in time to make the said payments of in-
4 terest and installments on sinking fund promptly when due.

5 "The sinking fund hereinbefore referred to shall be
6 created as follows, to-wit:- On the expiration of five
7 years from January 1st, 1902, payments upon said sinking
8 fund shall begin in the amounts and in the manner following
9 to-wit:- Party of the second part shall then and for fif-
10 teen years thereafter, including said first payment, pay
11 annually to said Trustee, The Union Trust Company of San
12 Francisco, two per cent. of the principal of all of said
13 bonds outstanding each year and for the succeeding five
14 years thereafter three per cent. of said principal annu-
15 ally.

16 "It is further understood and agreed that, when under
17 the provisions of said trust deed there is sufficient money
18 in the hands of said Trustee, by reason of said sums of
19 money so deposited by party of the second part, and the ac-
20 cumulations of profit or interest on the investment of, or
21 accruing from said sum an amount sufficient to liquidate
22 the principal of said bonds, Trustee's charges and all in-
23 terest due or to grow due, no further payments shall be made
24 but this shall not be construed to mean that said bonds
25 shall be called in or retired before the date of their ma-
26 turity, except by an agreement between said bondholder and
27 said corporation. And if at the expiration of said term of
28 thirty years there shall remain in the hands of said trustee
29 any sum or sums of money over and above an amount sufficient

The first of the three parts of the report is a general survey of the situation in the country. It is a very interesting and valuable document, and it is well worth reading. The second part is a detailed account of the work of the various departments of the Government. It is a very comprehensive and up-to-date report, and it is well worth reading. The third part is a summary of the work of the various departments of the Government. It is a very concise and clear summary, and it is well worth reading.

SUPERIOR COURT

1 to pay the principal, Trustee's charges and interest of said
2 bonds, the same shall forthwith be paid over to said Ontario
3 Power Company, its successors and assigns. It is understood
4 and agreed that the party of the second part shall be called
5 on to pay only the customary charges of the said trustee
6 for his services that may accrue after the transfer of stock
7 herein provided to be made.

8 "It is furthermore understood and agreed that the party
9 of the second part shall acquire from the Ontario Electric
10 Company, before the transfer of the stock hereinbefore pro-
11 vided to be made, a license irrevocable during the life of
12 said franchise, to use the franchise or franchises owned
13 by the Ontario Electric Company for the carrying on of the
14 business of lighting and use of power for other purposes
15 within said territory and of maintaining transmission lines
16 and other appliances for said purposes as in said franchises
17 described or contemplated; in addition to the conveyance
18 of said license, the party of the second part shall at the
19 same time be likewise the owner of what is known as the
20 distributing system, including all transmission lines,
21 transformers, and other machinery necessary to conduct said
22 lighting business and mentioned in the schedule, subdivision
23 No. 5.

24 "6. It is hereby stipulated and agreed that, of said
25 \$400,000 issue of bonds the party of the second part shall,
26 contemporaneously with the transfers herein contemplated
27 and provided for, procure the sum of \$20,000 thereof, to
28 be regularly and duly withdrawn, destroyed and cancelled,
29 to the end and effect that the total bond issue outstanding

shall not be \$400,000, but shall be the sum of \$300,000.

"7. It is hereby further stipulated and agreed that said second party shall have undisputed right, to wit, such rights as it has as owner of Section 1, and such rights as it has by virtue of its leasehold interest in Section 12 and 13, to use all power generated from the waters of said stream, as the same flows, or may flow, through the said Sections 1, 12 and 13 hereinbefore referred to, and above the division dam on said Section 13 for lighting, power, and any other purposes in and over the lands of the Ontario Colony, to-called, and lands adjacent thereto, which said lands and boundaries of said tracts referred to are particularly described as follows, to wit:

"Beginning at the intersection of the range line between Townships 1 and 2 South, with the County line between Los Angeles and San Bernardino Counties; thence East along said township line to the Southeast corner of Sec. 33 Twp. 1 S., R. 7 W.; thence North on Section lines to the N.E. corner of Section 21; thence West to N.W. corner of Section 21; thence North on section lines to San Bernardino base line; thence East to Southwest corner Cucamonga Homestead Association Tract; thence following the Westerly line of the Cucamonga Homestead Association Tract to the North line of Cucamonga Rancho; thence West along the North line of Cucamonga Rancho to the Northwest corner thereof; thence Southerly along the Rancho line to the intersection of the Section line between Sections 23 and 24 Twp. 1 S. R. 8 W.; Thence South along Section lines to the Santa Fe Railroad; thence Westerly along the Santa Fe Railroad to County Line

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thence Southerly along county line to place of beginning.

"8. The said first party shall further have the undisputed right, so far as the second party, its successors or assigns, or said Herckhoff, his successors or assigns, are concerned, to utilize the said power only for the pumping of any wells or water developments owned (controlled or operated), by said first party, whether the same are within said boundaries of said tract last described or not, or wherever the same may be situated.

"9. It is further stipulated and agreed that the party of the second part will contract to deliver to any corporation hereafter to be formed, or to any person who may be nominated for such purposes by William C. Herckhoff of the City of Los Angeles, County of Los Angeles, State of California, the surplus power of said second party as hereinafter defined, to be delivered at power-house; and in said contract the said William C. Herckhoff, or such person or corporation as he may indicate, shall control or agree to buy all the surplus power derived from the power developed, or to be hereafter developed, from said stream as it flows through said Sections 1, 12 and 13 above said division dam, over and above that needed, used or required by said San Antonio Water Company for the purposes herein specified, and over and above that needed by the Ontario Power Company for the general purposes hereinbefore specified, and as hereinbefore specified for the period of ten (10) years, at the following rates, to-wit:-

"It is mutually understood and agreed that the amount of the payment for the surplus power shall be determined

[illegible]

30
1 at the option of the Ontario Power Company as follows:-

2 "First: All items going to make up the cost of the
3 power, shall be considered to be:

4 "(a). Interest upon the cost of the plant from the in-
5 take in Section 1 to the switchboard, which sum it is agreed
6 shall be held and considered as not less than \$100,000,
7 irrespective of the fact that the actual cost may be less
8 than said sum, and whatever additional amount may be in
9 fact expended above \$100,000. Party of fourth part to
10 be shown and allowed to examine vouchers for such expendi-
11 tures. Interest upon this shall be figured at five per
12 cent.

13 "(b). Operating labor shall include only the men act-
14 ually employed in the attendance upon the machinery and
15 pipelines, and \$50.00 per month toward wages of superintend-
16 ent; and it is agreed that their wages shall be the usual
17 average rate for like services in like employments.

18 "(c). Maintenance. This shall include the repairs
19 necessary to keep the plant in first class condition, but
20 shall not be construed to include any additional plant,
21 but shall include all necessary or proper replacements. If
22 additional plant is installed, the amount for the cost of
23 the additional plant and installation shall be added to
24 the amount upon which the interest is to be paid.

25 "(d). Insurance and Taxes. The measurement of power shall
26 be made by meters placed upon the switchboard and reading
27 in kilowatt hours; one meter or set of meters shall be
28 upon the surplus power lines, and one meter or set of
29 meters upon the lines furnishing power to the Ontario Power

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1 Company or the San Antonio Water Company. The sum of ~~the~~
2 $1/12$ of "A," all of "B", all of "C", and $1/2$ of "D,"
3 shall be considered the total cost of the power for each
4 calendar month. This sum divided by the total kilowatts
5 shall be considered the cost per kilowatt hour of the power
6 generated for that month. The amount of power shown by
7 the surplus meters, shall be the amount of surplus power
8 for which payment is to be made. The amount in kilowatts
9 of the surplus power shall be multiplied by the cost per
10 kilowatt of the total power, and to this shall be added
11 for the months of July, August, September and October, 20%
12 for profit to the Ontario Power Company, and for the remain-
13 ing eight months in the year, there shall be added 10%
14 for such profit.

15 "Second: In the event that reservoirs are established
16 so the power can be furnished wholly between the hours
17 of ~~xix~~ 6 A. M. and 12 midnight following, and the Ontario
18 Power Company decides to accept the alternative proposition,
19 the calculation as to cost shall be as last heretofore
20 stated, and the profit added for the four months of July,
21 August, September and October, shall be 25%, and for the
22 remaining eight months, 10%.

23 "To illustrate the first method, --"
24

25 Mr. Britt: That illustrates the method of adjusting.
26 A Getting at the cost of the surplus to be charged up
27 to Kerrckhoff.

28 Mr. Britt: That may be omitted, and a parenthetical note
29 being made that the illustration of the manner in which

the cost of power generated is charged up to Aerckhoff is omitted.

Mr. Britt: The entire discussion about the management of the electrical part of the business of the Ontario Power Company, we are willing should be omitted.

Mr. McKinley: We consent.

1 (The description of particulars of the management of
2 the electrical business of the Ontario Power Company is
3 here omitted from the reading by consent.)
4

5 Mr. Britt: I think all of that might be omitted as
6 far as paragraph 11, at page 137 of the minute book, unless
7 Judge Gregg wants it read. If so we have no objection.

8 Mr. Gregg: The paragraph seems to refer to the rendition
9 of bills and accounts for the surplus power from month to
10 month, and for provisions that if payments are not made by
11 Mr. Kerckhoff in accordance with the provisions, that the
12 contract shall be abrogated and declared null and void.

13 Mr. Britt: Proceed to the next paragraph.

14 Witness: (Reading) It is furthermore understood and agreed
15 that all conveyances relinquishments or quitclaims made by
16 said party of the first part to said party of the second
17 part, or any rights to the use of power in said stream north
18 of the south line of said section 36 shall be understood to
19 be made subject to the lien of an issue of bonds now out-
20 standing of said party of the first part, which said bonds
21 cover all of the property of the said party of the first part.

22 11. It is further understood and agreed upon the
23 receipt of the said sum of one hundred thousand dollars which
24 will pass to party of the second part by reason of the as-
25 signment of the five thousand shares of stock of the Ontario
26 Power Company hereinbefore specified, the party of the
27 second part will at once apply said sum or so much thereof
28 as may be necessary for the construction of a power house,
29 and the construction of ditches, conduits and pipe lines

1 for the diversion of the water of said San Antonio Creek
2 in said section 1, ~~thence~~ to said power house for the gen-
3 eration of electrical power over said sections 1, 12 and
4 13.

5 12. It is further understood and agreed that with
6 reference to the powerhouse sit or that certain three-acre
7 tract of land conveyed by deed dated _____ recorded
8 in the office of the County Recorder of Los Angeles County
9 in Book _____ page _____ of deeds theretofore further
10 assurances of title that may be necessary to remove any
11 doubts as to the true location of said three acre tract, to
12 the effect that the same shall not be within section 1, and
13 that the south boundary line thereof shall be coincident
14 with the boundary lines between sections 30 and 31, shall
15 be made by the first and second parties, in so far as any
16 title now held by either of said parties is concerned.

17 14. It is further herein stipulated and agreed
18 that two certain actions now pending in the Superior Court
19 of the County of Los Angeles, State of California, to-wit:
20 an action brought by the said party of the first part a-
21 gainst the Ontario Light and Power Company et al, for the
22 purpose of condemning a right of way over said section 1
23 and for condemning a riparian right in said section 1; and
24 the other action brought by said Sierra Power Company
25 against the said first party to enjoin said first party
26 from blasting for the purpose of constructing its ditch
27 from sections 12 and 13 hereinbefore mentioned, shall each
28 be respectively dismissed at the cost of the respective
29 plaintiffs therein.

11

15. It is further expressly understood and agreed between the parties hereto that, whereas there are certain cienegas and spring lands along the line of and near the banks of said San Antonio Creek and tributaries of Section One; and whereas the same are necessary and valuable reservoirs for holding a large part of the water naturally flowing through the channel of San Antonio Creek in a constant, though small flow, or percolation, and are therefore valuable for the purpose of sustaining the even flow of said stream, nothing shall be done by said William G. Kerckhoff, or the person or corporation to whom he may assign the rights and interests he may acquire under this contract, in the way of development of water, or in the digging or running of trenches, shafts or tunnels upon the said cienegas or spring lands, for the purpose of developing water thereon and securing a more rapid emptying into the bed of said creek, than that which would occur through the natural seepage and contribution of said cienegas and spring lands to said stream.

16. It is further understood and agreed between the parties hereto that the party of the firstpart, notwithstanding anything hereinbefore set forth or contained, shall have the right to divert over section 36, if it shall so desire, a certain stream being a tributary to said San Antonio Creek, and entering said creek in the westerly banks thereof, near the lower or southerly portion of said section 36, and the upper or northerly portion of said section 1, so that the party of the first part and party of the second part may have the benefit of said stream for power purposes; but the present proposed line of diversion shall be abandoned, and the trench

[illegible]

1 filled, and cement floor repaired by party of the first part
2 and thereupon all claim for damage or right of action against
3 party of first part shall be deemed abandoned, and a new line
4 of diversion shall be selected by Mr. Newman and Mr. Sanders,
5 engineers, which said new line shall be sufficient and ade-
6 quate to divert said waters and to carry them into and above
7 the diversion works of the party of the second part, to be
8 constructed on section 1, to the end and effect that the said
9 waters of said small stream shall enter into the San Antonio
10 Creek, or said diversion works of the party of the second part,
11 to be utilized for the power purposes in its system.

12 Nothing shall be construed by this last clause to call upon
13 first party to change its point of diversion; this shall only
14 apply to the line of diversion.

15 17. If, within five years from the date hereof, the said
16 William G. Kerchhoff, or any person or corporation which may be
17 the successor in interest of his rights hereunder, should desire
18 a right of way for the extension of the present street car system
19 to what is known as Stoddart's canon, the party of the first
20 part will, within ninety days after a written request has been
21 served, caused to be conveyed a right of way over its lands
22 for the purpose of constructing and operating said extension,
23 which conveyance shall contain such restrictions and conditions
24 as may be necessary to protect the lands over which said right
25 of way may be granted, and shall not be required for more than a
26 width necessary for the operation and maintenance of one track
27 and necessary turnouts and switches; the dimensions of said right
28 of way to be fixed and defined at the time of said grant.

29 18. The party of the first part also covenants and agrees

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1 that it will, by proper instrument, reaffirm the present exist-
2 ing power rights now or formerly held by the said San Antonio
3 Heights Railway Company, and by the Ontario Electric Company,
4 below the diversion dam so-called on section 13, subject,
5 however, to such limitations as now exist, which said limita-
6 tions shall be specifically enumerated in said instrument of
7 affirmation.

8 19. It is furthermore understood and agreed that the
9 party of the first part will grant permission to said
10 William G. Kerckhoff, or such person or corporation as
11 may be the successor in interest hereunder, to move and
12 change the location of the present power-house (formerly
13 belonging to the Ontario Electric Company) from its present
14 location to a point lower down in point of altitude, to wit,
15 to a point between twenty-second and twenty-third Streets, as
16 shown upon a map of Ontario Colony lands; provided that, as
17 a condition precedent to said change of location, the change
18 in said location shall not alter the present system of the
19 distribution of water for irrigation and other purposes,
20 and that any change in pipe systems of first party, to main-
21 tain its present system of distribution, shall be made by
22 said Kerckhoff, or his assigns, not only at his and their
23 sole charge, cost and expense, but shall be done in such
24 a manner as not to vary or alter the present method of
25 distribution, or in any way impair, infringe upon, or affect
26 directly or indirectly any vested rights to the water or
27 waters of said San Antonio Creek or the tunnel water so-
28 called and hereinafter mentioned for irrigation or other
29 purposes, or the method of distribution of the same for

that is why, my power investment, resulting in the present situation, the power is now in the hands of the Ontario Electric Company, and by the Ontario Electric Company, below the diversion dam as called on section 11, subject, however, to such limitations as now exist, which will limit the rights which are specifically enumerated in this instrument of assignment.

14. It is further understood and agreed that the party of the first part will grant permission to said William G. Fairbairn, or such person or corporation as may be the successor in interest hereunder, to move and change the location of the present power-house (situated below the Ontario Electric Company) from the present location to a point lower down in point of altitude, until, to a point not less than twenty-five feet above the shown upon a map of Ontario Colony lands; provided that, as a condition precedent to such change of location, the same is said location shall not alter the present system of the distribution of water for irrigation and other purposes, and that any change in the system of these parts, to maintain the present system of distribution, shall be made by said Fairbairn, or his assigns, not only as to the water, but also change, cost and expense, but shall be done in such a manner as not to vary or alter the present method of distribution, or in any way impair, infringe upon, or otherwise directly or indirectly any vested rights to the water or return of said San Antonio Creek or the tunnel water so-called and hereinafter mentioned for irrigation or other purposes, or the method of distribution of the same for

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1 irrigation or other purposes, now owned or held by said
2 San Antonio Water Company, and that said Kerckhoff and his
3 assigns shall, at their own cost and expense ~~make~~ and
4 construct all pipe lines, sand-boxes, diversion boxes,
5 water gates, and all other appliances and means necessary
6 to fully and properly enable the party of the first part
7 to effect the distribution and carrying of said water under
8 the system now in operation; and that all such changes and
9 constructions of said sand-boxes, diversion-boxes, water
10 gates, appliances and means last hereinbefore mentioned,
11 shall be constructed and made subject to the approval of
12 the engineer of the party of the first part.

13 It is further understood and agreed, however, that the
14 tunnel water, ~~and~~ so-called, being the water now flowing &
15 from the tunnel on sections 24 and 13, Township 1 N, Range 8
16 West, S. B. M. and being near the bed of San Antonio Creek
17 and flowing from said tunnel into the present main pipe
18 line of said San Antonio Water Company, shall continue to
19 run and flow therein without obstruction or hindrance and
20 shall be distributed therefrom under the present system of
21 distribution, and that the Mountain Avenue pipe line, so-
22 called, shall be extended in a northerly direction to
23 connect with the said proposed new pipe line by a gate
24 or other suitable appliance for controlling the water at
25 such point of connection.

26 And it is further agreed that the San Antonio Heights
27 pressure pipe line, so-called, shall, in the event ~~if~~ that
28 the supply from the ~~existing~~ said tunnel is insuffi-
29 cient to supply the requirements of said pressure pipe line

5
1 upon notice of requirement to construct said extension
2 and connection, party of the fourth part shall within five
3 days, complete such extension and connection so as to con-
4 nect said pipe line at the nearest practicable point with s
5 said proposed new pipe line, so that said pressure pipe linne
6 may be continue to be operated therefrom in the same man-
7 ner and under the same right as now operated, enjoyed or
8 claimed in connection with the present pipe line, and to
9 any extent necessary for future use, said extension, how-
10 ever, to be restricted to the tract above and north of
11 Twenty-second Street in said Ontario Colony lands, and no
12 rights of any kind in or to the use of said pressure
13 pipe line and the water flowing therein be held to be
14 or in fact be waived, altered, varied or lessened in any
15 way by reason of the connection having been made with
16 said proposed new pipe line, or after said connection has
17 been made be in any way different or otherwise from what
18 the same are now.

19 It is further agreed that, in event of the changes
20 herein contemplated, a gate shall be placed and construc-
21 ted on the proposed new pipe line at a point near the old
22 division box, that is to say, the division box now in use
23 at the time of the execution of this contract, and located
24 on block 8 of the San Antonio Heights Tract, and said San
25 Antonio Water Company shall have the right to take at said
26 point where said gate is constructed sufficient water flow-
27 ing past said division box to supplement the flow of tunnel
28 water, so-called, and hereinbefore referred to, in the
29 event that said tunnel water shall below 100 inches eas-

1 ured under a four inch pressure, or shall fall below a suf-
2 ficient amount to irrigate and supply with water to the
3 same extent that they are now or may hereafter need to be
4 supplied, lands under the flow of said division box and
5 above the said proposed new distributing system; it being
6 fully understood and agreed that said San Antonio Water
7 Company shall have at all times complete control of all gates
8 and connections constructed for the purpose and to the ends
9 hereinbefore set forth and pertaining to the present distri-
10 buting system or any distributing system that may be here-
11 after constructed in pursuance of the terms of this agree-
12 ment, and the said San Antonio Water Company shall be the
13 sole judge of the necessity of taking water from said gates
14 and said connections, it being understood, however, that it
15 shall exercise its said rights in good faith and only when
16 it appears to said San Antonio Water Company that it is nec-
17 essary to use the same.

18 It is further understood that all extensions, altera-
19 tions or changes, and all construction of gates, connections
20 or new pipe lines required or proper to be made by reason
21 of the proposed change in the location of said power house
22 shall be made at the sole cost and expense of said Kerck-
23 hoff, or his assigns, and that the said San Antonio Water
24 Company shall be put to no expense or outlay whatever in the
25 premises and shall be held free and harmless from any lia-
26 bility therefor. Said change being made purely for the
27 benefit and advantage of said Kerckhoff and those represen-
28 ted by him, and being consented to by the San Antonio Water
29 Company solely on the understanding that neither it nor

1 its stockholders shall be in any way injured or prejudiced
2 by the changes contemplated, and for the purpose of carry-
3 ing out this compromise agreement.

4 It is further stipulated and understood between the
5 parties hereto that, the location for power-house and reser-
6 voir sites hereinbefore set forth to be reserved from Section
7 1 and 25, hereinbefore described by township, range and
8 meridian, shall include all houses for operatives, and such
9 other houses as may be necessary to operate the plant, but
10 shall never be used for any other than the purposes for
11 which the same are herein provided to be used respectively,
12 and shall never be changed or used for locations or places
13 of public entertainment or otherwise, except as herein pro-
14 vided for; and that the instruments by which said parcels
15 and conveyed shall contain a proviso limiting the use
16 thereof, as herein set forth.

17 It is further provided between the parties hereto that
18 all the instruments, contracts and conveyances herein conten-
19 plated as to be made and executed by the parties hereto
20 respectively, shall be made to the satisfaction of, and in
21 form approved by the attorneys for the parties hereto res-
22 pectively.

23 It is further stipulated that, upon the final execu-
24 tion of this instrument, the party of the first part may
25 enter in and upon section 1 hereinbefore referred to, for
26 the purpose of causing to be constructed, and may cause to
27 be constructed its canal and conduit, for the purpose of
28 conducting the waters of said San Antonio Creek down to its
29 proposed powerhouse on Section 13, and may proceed without

hindrance on the part of the party of the second part in said construction.

It is further stipulated and agreed between the parties hereto that, all the instruments to be executed and delivered, and all the acts and things done, or stipulated to be performed by each of the parties hereto, shall be so executed, delivered, done, kept and performed by said parties respectively, upon whom such obligations may rest under this agreement, within twentyone days from the date of the execution hereof. Time is declared to be the essence of this clause of this agreement.

Wherever in this contract the south line of Section 36, or the north line of Section 1 is mentioned, it is understood and agreed that it shall be a line drawn east and west through said sections at least 75 feet south of the wheels of the Sierra Power Company as now in actual operation.

By the execution of this instrument William G. G. Kerckhoff covenants for himself to do and perform all acts to be by him performed by this contract.

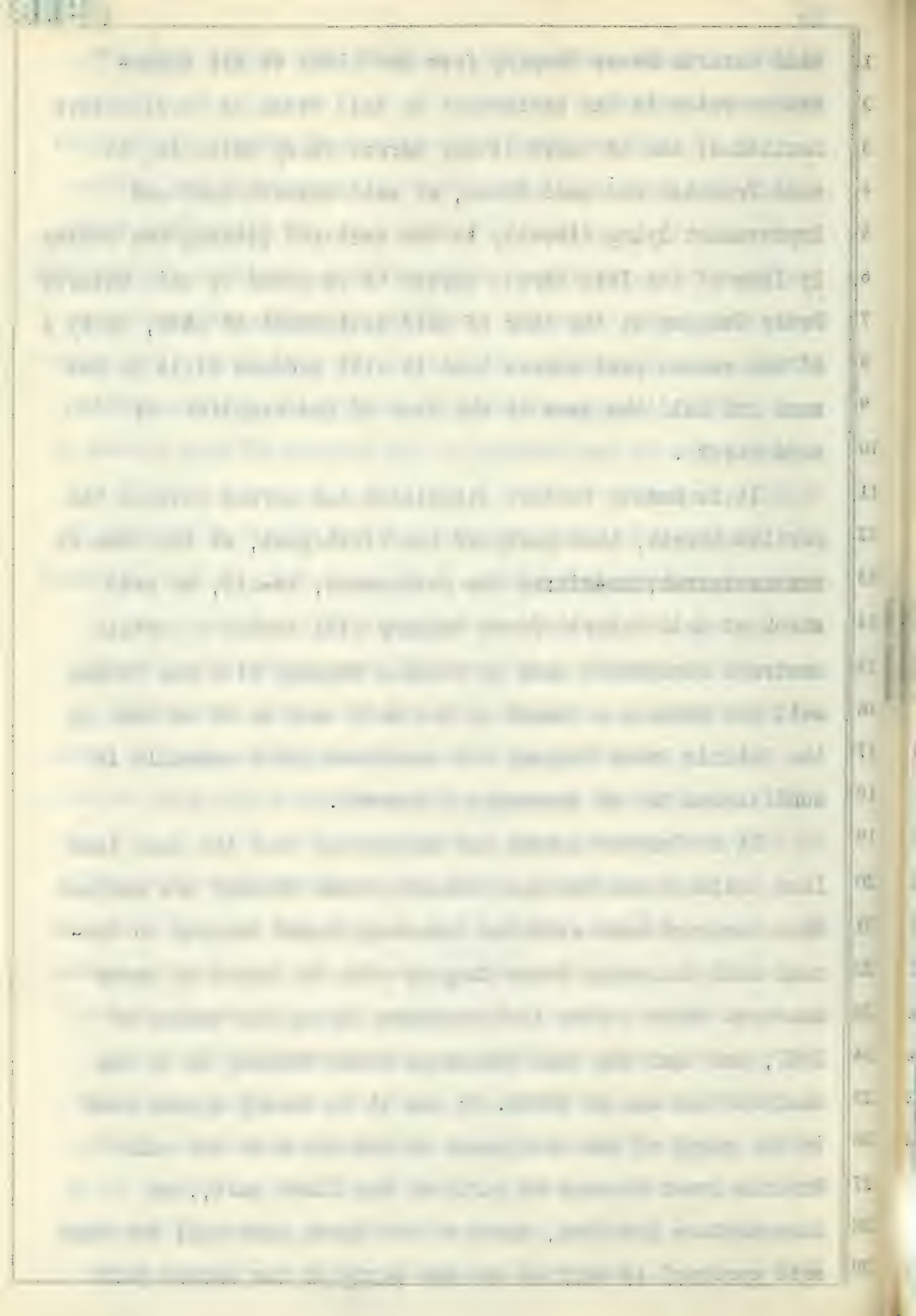
It is further stipulated and agreed between party of the first part and party of the second part that if there is any strip of land intervening between the lots herein agreed to be conveyed to the Ontario Power Company, and to be held and owned by it at the time of the transfer of its stock, as hereinbefore set forth, to party of the first part, and block No. 20 of the Cucamonga Homestead Association Tract, which is owned or claimed by one Frankish, one Stamm, or by the Ontario Land and Improvement Company, party of the second part will obtain title thereto and convey the same to

[illegible]

said Ontario Power Company free and clear of all incumbrance prior to the assignment of said stock as heretofore mentioned; and if there is any narrow strip belonging to said Frankish and said Starr, or said Ontario land and Improvement lying directly to the east and joining the easterly line of the lots hereto agreed to be owned by said Ontario Power Company at the time of said assignment of stock, party of the second part agrees that it will procure title to the same and hold the same at the time of the transfer of said stock.

It is hereby further stipulated and agreed between the parties hereto, that party of the first part, at the time of ~~the assignment of said stock~~ the assignment, to-wit, of said stock of said Ontario Power Company will assign a certain contract heretofore made by Ontario Company with one McConnell for running a tunnel on the said land so to be held by the Ontario Power Company and mentioned under schedule in subdivision 3rd of paragraph 2 thereof.

It is further agreed and understood that the said land last mentioned and the said Ontario Power Company are subject to a contract made with the Cuckoo Lake Water Company to furnish said Cuckoo Lake Water Company with 65 inches of water measured under a four inch pressure during the season of 1902, and that the said Cuckoo Lake Water Company is to pay therefor the sum of \$2500.00; and it is hereby agreed that in the event of the assignment of the stock of the said Ontario Power Company to party of the first part, as hereinbefore provided, party of the first part will see that said contract is carried out and party of the second part



shall be entitled to receive said sum of \$2500.00 for the due performance thereof.

It is further understood and agreed that all of the foregoing stipulations covenants and agreements in this contract set forth as to be done, kept, or performed, by the respective parties hereto, shall be held to bind the heirs, administrators, personal representatives, successors and assigns of each of said parties respectively.

It is hereby stipulated and agreed between the parties hereto that the only property which it is understood is to be owned by the Ontario Power Company at the time of the transfer of its stock to party of the first part, shall be the property in this contract enumerated as belonging to it at such time, and no other; and

Whereas, in a certain deed of trust from said Ontario Power Company to the Union Trust Company of San Francisco to secure the bond issue hereinbefore referred to, of the said Ontario Power Company, there is a certain amount of property mentioned and specified other than that included in this contract as belonging to said Ontario Power Company, which said property it is intended to have released from the effect of said trust deed and not to have retained by said Ontario Power Company longer than is necessary for the purpose of effecting said release, and which it is understood as hereinbefore stated shall not be in the purchase passing to party of the second part by reason of the passing of stock to party of the second part;

NOW THEREFORE, it is agreed in this connection ~~that~~ that if at the time of the transfer of said 5000 shares of

1 stock to party of the first part as hereinbefore provided,
2 there shall still be nominally in the hands of the Ontario
3 Power Company property other than that hereinabove speci-
4 fied to belong to the Ontario Power Company at the time of
5 the transfer of said stock, said property shall be under-
6 stood to be held merely by said Ontario Power Company sub-
7 ject to be aliened and taken from it at any time when party
8 of the fourth can secure a release thereof from said trust
9 deed from said Union Trust Company of San Francisco.

10 And it is hereby stipulated that party of the first
11 part and party of the second part after, after its stock
12 shall have been assigned to party of the first part as here-
13 in contemplated, shall united so far as it shall be necessary
14 for either of them so to do, or shall separately make such
15 conveyance and execute such instruments to divest said On-
16 tario Power Company of all such property as is not herein
17 specified in this contract as belonging to said Ontario
18 Power Company at the time of the transfer of said stock. in
19 accordance with the understanding hereinbefore in this para-
20 graph set forth.

21 IN WITNESS WHEREOF, the parties hereto, who are cor-
22 porations have hereunto, by the hands of their respective
23 presidents, first ~~hain~~ thereunto being duly respectively
24 authorized, subscribed these presents respectively and have
25 respectively affixed their respective corporate seals
26 hereto, and the said William G. Herckhoff has hereunto
27 set his hand the day and years first above written.
28
29

San Antonio Water Company,

By W. T. Leeke, President

By B. C. Shepherd, Sec'y.

Ontario Power Company,

By Wm. Kerckhoff, President

By Otto Weiss, Sec'y.

Sierra Power Company,

By _____ President.

Wm. Kerckhoff.

And that the president and secretary of this corporation be and they are hereby respectively authorized to execute said contract for and on behalf of said corporation, the San Antonio Water Co.

Adjourned,

B. C. Shepherd, Sec."

-0-

r. Britt: We offer it in evidence.

Here the Court takes a recess until Monday, March 8, 1909, at 10:30 o'clock a.m.

-0-

o

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THE UNIVERSITY OF CHICAGO
is pleased to announce that it has
received a grant from the National
Endowment for the Humanities to
support a project on the history of
the American West.

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The following are the descriptions contained in the records of deeds offered on this day and yesterday (March 4 & 5) and offered on page 1919 et seq. and page 2044.

Deed, S. G. Haskell to J. R. Bourvine, dated July 30th, 1892, conveying the following property :--

All that certain lot or parcel of land situated, lying and being in the County of San Bernardino, State of California, to-wit:-

The west half of twenty (20) acre lot seven (7) in block (16) and also all of building, lot eight (8) of the Cucamonga Homestead Association tract, according to the survey and subdivision of said tract made by George Hanson in July and August, 1874, a plat of which survey is on file in the Recorder's Office of San Bernardino County, and the said party of the first part for the consideration above stated also in like manner conveys to the said party of the second part as an easement appurtenant to the land above described and for use thereon, for the purpose of irrigation and Domestic use, one half (1/2) of three three-hundredths (3/300) part of all the water flowing or to flow in Cucamonga Creek or Canyon. Book 150 of Deeds, page 164.

-o-

Deed, J. P. Haskell to S. G. Haskell, dated July 19th, 1892 conveying the following property:--

One three hundredth part of all the water flowing or to flow in Cucamonga Creek or Canon, the intention being that said water shall be used as an easement to lot 7 of Block 16, of the Cucamonga Homestead Association tract in San Bernardino County, California, and to be used for the purpose of irrigation and domestic use on said land.

Book 150 of Deeds, page 171.

-o-

that, in the event of a change, the following property:

The above property is of the nature of a lease, and is

not subject to the terms of the lease, and is not

subject to the same.

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not subject to the terms of the lease, and is not

subject to the same.

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The above property is of the nature of a lease, and is

not subject to the terms of the lease, and is not

subject to the same.

The above property is of the nature of a lease, and is

not subject to the terms of the lease, and is not

subject to the same.

1 Deed, Chas. Charnot to S. G. Haskell, dated May 31st, 1887,
2 conveying the following property:-

3 All that certain lot, piece or parcel of land, situate,
4 lying and being in the County of San Bernardino, State of
5 California, and bounded and particularly described as fol-
6 lows, to-wit:

7 Twenty Acre Lot number Seven (7) in Block number Sixteen
8 (16) of the tract of land of the Cucamonga Homestead Asso-
9 ciation, according to the survey and subdivision of said
10 tract made by George Benson in the months of July and Au-
11 gust, 1874, a map or plat of which said survey is now on
12 file in the office of the Recorder of San Bernardino Coun-
13 ty to which reference is hereby made for more particular
14 description.

15 And the said party of the first part for the consideration
16 aforesaid, does further grant, bargain, sell and convey
17 into the said party of the second part, his heirs and
18 assigns forever, as an easement appurtenant to said parcels
19 of land hereinbefore described and for use thereon for
20 purposes of domestic use and irrigation One Three hundredth
21 (1/300) part of all the water flowing or to flow in the
22 Cucamonga Creek or Canyon.

23 Book 136 of Deeds, page 177.

24 -o-

25 Deed, Cucamonga Homestead Association to Chas. Charnot
26 dated May 3rd, 1886, conveying the following property:-

27 All the following described real estate, situated in the
28 County of San Bernardino, State of California, to-wit:

29 Twenty Acres lot number seven in Block No. Sixteen and

1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 26

1 Building lot number eight in Block number eight of the tract
2 of land of the Cucamonga Homestead Association according
3 to the survey and subdivision of said tract by George Han-
4 sen, Surveyor, in the months of July and August, 1874,
5 which said survey together with the map or plat thereof
6 now in possession of the party of the first part is hereby
7 referred to and made part hereof for more particular de-
8 scription; the tract of land surveyed and subdivided as
9 aforesaid being the same heretofore conveyed to the party
10 of the first part by I. W. Hellman and I. E. Hellman by
11 deed dated July 3d, 1874.

12 And the said party of the first part for the consideration
13 aforesaid, and pursuant to the resolution aforesaid, does
14 further ~~agree~~ grant, bargain, sell and convey unto the
15 said party of the second part, his heirs and assigns for-
16 ever as an easement appurtenant to said parcels of land
17 hereinbefore described and for use thereon for purposes of
18 irrigation and domestic use, one three hundredth part of
19 all the right, title and interest acquired by the party
20 of the first part by virtue of the aforesaid conveyance from
21 I. W. Hellman and I. E. Hellman in and to all the water
22 flowing or to flow in the creek or Arroyo known as the
23 Cucamonga Creek or Arroyo; and also the right to use in
24 common with the other owners of said water, under such rules
25 and regulations as may hereafter from time to time be
26 adopted pursuant to the provision and condition hereinafter
27 contained, all reservoirs, flumes, ditches, and other water
28 works that are now or may hereafter be constructed by the
29 party of the first part for the collection of said water,

1 or for conducting the same upon said tract of land by the
2 party of the first part of which the parcels of land herein-
3 before conveyed form part. This conveyance of water and
4 water-right is however expressly made upon and subject to
5 the following conditions, to-wit:

6 First: That the distribution of said water shall always
7 be made among the owners thereof according to their respect-
8 ive rights therein; and such distribution shall always be
9 made under and in accordance with such rules and regulations
10 as shall from time to time be adopted by such owners; and
11 for the adoption of such rules and regulations there shall
12 only be necessary the vote in favor thereof of the owner
13 or owners of more than one half of said water and water-
14 rights.

15 Second: That the expenses of conducting and distributing
16 said water, including the cost of maintaining the ditches,
17 flumes, reservoirs and other water-works ~~constructed~~ con-
18 structed for such purposes, shall always be borne by the
19 owners thereof in proportion to the amounts of water used
20 by them respectively.

21 Third: That the rules and regulations to be adopted as
22 hereinbefore provided shall include rules for the levy and
23 collection from such owner, of his proportion of the expen-
24 ses aforesaid, and that the amount so levied at any time
25 shall be a lien and charge upon the interest of such owner
26 in said water and water-works, and also upon his interest
27 in the land to which said water rights are appurtenant and
28 upon which said water may be used. Book 53 of Deeds,
29 page 321.

Deed, I. W. Hellman and I. W. Hellman to Cucamonga Home-
stead Association, dated July 3rd, 1874, conveying the
following property:-

Grant, bargain, sell and convey unto the said party of
the second part the following described tract or parcel
of land, lying and being situate in the County of San Ber-
nardino, State of California, and known as part of Rancho
Cucamonga, and being all that part of said Rancho lying and
being North of the San Bernardino Base Line, as shown by
the Patent thereof accompanying the same, issued by the
Government of the United States on the 9th day of December,
A. D. One thousand Eight hundred and Seventy-two (1872)
to Leon W. Prudhomme, Adm'r, & saving and accepting all
lands heretofore sold to the Cucamonga Co. of which I.
Archebald is President, reference being thereunto had will
more fully appear. Also thirty-five acres of said Rancho
south of the San Bernardino Base Line, being the same
tract described in the deed executed by Jose C. Carrillo
and Maria Merced W. C. Carrillo to Isaac W. Hellman, bear-
ing date December fifteenth in the year of our Lord one
thousand eight hundred and seventy one, reference being
thereunto had will more fully appear; also one hundred and
sixty acres of land, commencing at a point three (3) chains
east of the South-east corner of section four (4), Township
one (1) South Range Eight (8) West of San Bernardino Me-
ridian; thence north of true meridian variation 14 $\frac{1}{2}$ 45' E.
Eighty chains to a point on the Base Line; thence East
along the Base Line twenty chains to a ~~xx~~ point; thence
south eighty chains to a point on the south boundary of

The first of these is the fact that the
 second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth, thirtieth, thirty-first, thirty-second, thirty-third, thirty-fourth, thirty-fifth, thirty-sixth, thirty-seventh, thirty-eighth, thirty-ninth, fortieth, forty-first, forty-second, forty-third, forty-fourth, forty-fifth, forty-sixth, forty-seventh, forty-eighth, forty-ninth, fiftieth, fifty-first, fifty-second, fifty-third, fifty-fourth, fifty-fifth, fifty-sixth, fifty-seventh, fifty-eighth, fifty-ninth, sixtieth, sixty-first, sixty-second, sixty-third, sixty-fourth, sixty-fifth, sixty-sixth, sixty-seventh, sixty-eighth, sixty-ninth, seventieth, seventy-first, seventy-second, seventy-third, seventy-fourth, seventy-fifth, seventy-sixth, seventy-seventh, seventy-eighth, seventy-ninth, eightieth, eighty-first, eighty-second, eighty-third, eighty-fourth, eighty-fifth, eighty-sixth, eighty-seventh, eighty-eighth, eighty-ninth, ninetieth, ninety-first, ninety-second, ninety-third, ninety-fourth, ninety-fifth, ninety-sixth, ninety-seventh, ninety-eighth, ninety-ninth, and one hundredth.

1 Section four (4); thence west twenty chains to the point
2 of commencement, being the same land described in a certain
3 Deed of Conveyance executed by Isaac M. Hollman to Isaias
4 W. Hollman dated 11th day of June, A. D. 1873, recorded in
5 Book "M" of Deeds, page 526 of said San Bernardino County.
6 Together with all and singular the hereditaments, tenements
7 and appurtenances thereunto belonging, and all right and
8 rights to water from springs, lakes, marshes, creeks, flumes
9 ditches and other sources, and all rights perfect and im-
10 perfect to the waters of the Cucamonga and San Antonio Canon.

11 Book P of Deeds, page 386.

12 -o-

13 Deed, Peter Nelson to W. T. Leeke, dated September 8th,
14 1902, conveying the following property:-

15 All those certain lands, pieces or parcels of land situated
16 lying and being in the County of San Bernardino, State
17 of California, and bounded and particularly described as
18 follows, to-wit:

19 Lot five (5), six (6), eleven (11) and twelve (12) in
20 ~~block~~ block twenty (20) of the Cucamonga Homestead Asso-
21 ciation Lands as per plat recorded in Book six of Maps,
22 page 46, of the records of said county, containing fifty-
23 eight and 73/100 (58.73) acres of land more or less, sub-
24 ject to the taxes for the current fiscal year, 1902-1903
25 and subject also to a certain mortgage for \$15000.00
26 executed by the grantors to Andrew Rubio of date May 1st,
27 1902, and recorded May 5th, 1902, which mortgage and taxes
28 the grantee herein assumes and expressly agrees to pay.
29 and subject also to a right of way for a pipe line here-

1 tofore granted to the San Antonio Water Company.

2 Book 312 of Deeds, page 219.

3 -o-

4 Deed, W. T. Leeke to San Antonio Water Company, dated
5 May 24th, 1906, conveying the following property:-

6 All that real property situate in the County of San
7 Bernardino, State of California, and bounded and described
8 as follows:

9 Part of lots five (5), six (6) and twelve (12) in Block
10 twenty (20) of the tract of land of the Cucamonga Home-
11 stead Association according to a plat thereof appearing
12 of record in Book six of maps, at page 46, of the records
13 of said San Bernardino County, and described by metes
14 and bounds as follows:

15 Commences at a corner stake on the north line of said
16 lot 5 distant 1459.8 feet from the North East corner of
17 Lot 11 in said Block 20, thence south $15^{\circ} 31'$ East Six
18 Hundred and Sixty (660) feet to a corner stake, thence
19 South $44^{\circ} 20'$ East seven hundred and twenty five (725)
20 feet on the south line of said Lot 12, thence westerly
21 along the South line of said Lot 12 and the South line
22 of said Lot 6 to the South West corner of said lot 6,
23 thence northerly along the West line of said lot 6 and
24 the West line of said Lot 5 to the northwest corner of said
25 Lot 5, thence easterly along the North line of said Lot 5
26 to the place of beginning, containing 18.4 acres more or
27 less. Also a right of way for a road between said Lots
28 11 & 12 and between and across said Lots 5 and 6 as said
29 road now exists, the intention being to convey all of said

—

1 Lots 5, 6, 11 and 12 not conveyed in the deed from the
2 party of the first part herein to J. J. Atwood and P. E.
3 Walline and all subject to a mortgage for \$15000 now on
4 the property from which mortgage the party of the second
5 part agrees to hold the party of the first part harmless.

6 Book 375 of Deeds, page 152.

7 -o-

8 Deed, Andrew Rubio to Peter Nelson, dated May 1st, 1902,
9 conveying the following property:-

10 All those certain lots, pieces or parcels of land situated
11 lying and being in the County of San Bernardino, State of
12 California, and bounded and described as follows, to-wit:

13 Being Lots five (5) Six (6) Eleven (11) and twelve (12)
14 in block No. ~~22~~ twenty (20) of the lands of the Cucamonga
15 Homestead Association as per plat recorded in book six (6)
16 of maps at page forty-six (46) in the records of said
17 San Bernardino County.

18 Together with all the water and water rights, pipes and
19 flumes and ditches thereunto belonging or in any wise ap-
20 pertaining.

21 The parties of the first part however reserve to themselves
22 and do not sell herewith, the 22 horse power gasoline engine
23 Jack and pump, & whin now in and upon and about the said
24 premises together with all loose pipe also thereon, the
25 title to which is to remain in, and the same to be removed
26 by, the parties of the first part within sixty (60) days
27 of the date hereof.

28 Book 311 of Deeds, page 365.

29 -o-

1 Deed, Max Heyberg, Trustee, to Andrew Rubio,
2 dated February 6th, 1897, conveying the following property:

3 All these certain lots of land situated in the County of
4 San Bernardino, State of California, and in the Rancho
5 Cucamonga, described as:

6 Lots five (5) six (6) eleven (11) and twelve (12) in Block
7 Twenty (20) and containing fifty-eight and 73/100 (58.73)
8 acres of land more or less, according to the map of Sub-
9 division made under the direction of the Referees in Par-
10 tition in that certain action brought by the parties of the
11 first part and others against I. W. Hellman and others, in
12 the Superior Court of the said San Bernardino County, State
13 of California, and which said suit is number 5363, for the
14 partition of said lands in which the said Estate of I. W. Hell-
15 man was interested, and which said map is annexed to the
16 Final Decree in Partition in said action.

17 Together with all and singular the tenements, hereditaments
18 and appurtenances thereunto belonging or in any wise per-
19 taining and the reversion and reversions, remainder and
20 remainders, rents, issues and profits thereof.

21 Book 234 of Deeds, page 395.

22 -o-

23
24 Recess until Monday March 8, at 10:30 A. M.

25 ----o----

IN THE
Superior Court
OF THE
County of San Bernardino

State of California

Cucamonga Vineyard Company, et al.,

Plaintiff S

vs.

San Antonio Water Company, et al.,

Defendant S

Vol. 25.

Monday, March 8th, 1909

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March 8th, 1909. Twenty-fifth day.

CHARLES FRANKISH.

Charles Frankish, a witness produced by defendant, being first duly sworn,, testified as follows:

Direct Examination.

By Mr. McInley: Q Where do you reside?

A Ontario.

Q How long have you resided there?

A 23 years.

Q State where at some time in the last few years, you made developments of water in the neighborhood of the Cucamonga - Red Head.

A North of 16th Street. We put down wells I think in about '87 or '88.

Q What did you do in the way of putting down wells?

A About '88, I think we put down two wells.

Q Can you designate them on the map here? This is referring to defendants' exhibit A.

A Those two are the wells that we put down, numbers 1 and 2.

Q You had better examine that carefully before you designate them.

A No. 3 I think it is. I am not acquainted with those other wells. It would be 2 and 3.

Q State what you did there, and what you found in the way of water, and what was done with it? Have you any memorandum here to refresh your recollection?

A After delivery of water?

Q Yes.

A We commenced putting down --

1 A Yes, sir.

2 Q What amount of water did you obtain when you first began
3 pumping those wells? First, I will ask you did you put them
4 entirely down in '88?

5 A Oh no, sir. They were deepened afterwards by the Water
6 Company.

7 Q Did you put them as deep as you put them at that time?

8 A Yes, sir.

9 Q How deep was that?

10 A I think about 350 feet, if I ~~can~~ remember right.

11 Q Then, when did you first begin pumping them, or having
12 them pumped?

13 A We tested them in the summer of '94, and then following
14 that contract we increased the water to the Water Company
15 about the middle of '92.

16 Q How much water did you get?

17 A About 40 inches.

18 Q At the time you delivered it to the Water Company, what
19 amount of water did you get?

20 A We pumped about 30 inches, or a little over at San Antonio
21 Avenue, through a mile and a half of flume -- we delivered
22 25 inches at the end of the flume.

23 Q Was there any contract in writing with reference to that?

24 A Nothing but the contract you have there.

25 Q This contains something about that?

26 A On the third page I think you will find the further con-
27 sideration of that contract we were to do this pumping.

28 Mr. McKinley: We offer that contract in evidence. If you
29 have a book or anything that contains memoranda, you might as

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1 well take it to the stand.

2 A I have nothing further.

3 Mr. Britt: This really seems to me to be a copy. The seal
4 is not an impression, but is a mere scroll. The signatures
5 are all in the same handwriting, and it is obviously a copy.

6 Mr. McKinley: We will supply the original.

7 A I haven't examined it lately, but I supposed it was an
8 exact duplicate.

9 Mr. Britt: Wait a moment. May be we have no point to make
10 on that.

11 The Court: Are you willing that this copy should be used
12 at this time, provided you have the right to verify it by
13 the production of the original?

14 Mr. McKinley: We will produce the original, or show loss.
15 It is a correct copy of the contract, at any rate, Mr. Frank-
16 ish?

17 A Yes, sir.

18 The Court: Q Do you remember whether it was recorded?

19 A No, it was not recorded; at least it was not recorded by
20 us. I don't know whether the water Company recorded theirs.

21 Q Were those the wells in which you were associated with Mr.
22 Stamm?

23 A Yes, sir.

24 Mr. Britt: This paper appears to be a sort of a supplement
25 to a previous contract. This bears date the 25th day of Sep-
26 tember, '94, and refers to a previous contract of June 9,
27 1894, which seems to have been the substantive contract for
28 the delivery of water, and this relates to a subsidiary matter
29 -- the issuance to Frankish and Stamm of some bonds of the

San Anotpio Water company to assist them in carrying on the previous contract --

A The previous contract does not refer to the land in dispute at all. It refers to land in the mountains.

Mr. Britt: This consists of five or six pages.

A May I read a portion of that contract to you? I will read it to you if you will allow me.

Q I have no objection to your reading that portion which bears on these wells.

A And I want to say that, so far as I know, these are the original contracts. Mr. Shepherd can tell whether that is his signature. This is my signature and Mr. Starr's. I don't know about the other. (Reading) "The parties of the first part further agree to diligently carry on to completion the said contract of June 9th, 1894, and also agree within ten days from the date hereof to construct and maintain a wooden flume from the wells upon the real property next hereinafter described to the main conduit of the party of the second part at the highest practicable point for the purposes hereinafter stated, and to provide all rights of way for said flume and the maintenance thereof, between Twelfth and Fifteenth Streets of the Colony lands of the Ontario Colony in said County. Said flume shall be of sufficient capacity to carry the water now developed, or which can be pumped, from the present wells now on said landx.

"Said land is described as follows: Being Lots 301, 302, 303, 304, 415, 416, 417 and 418 of Ontario Colony lands, according to the mapx of said lands on file in the office of the County Recorder of said County of San Bernardino.

The sample is being used to test the hypothesis that the

population mean is equal to 100.

The null hypothesis is that the population mean is equal to 100.

The alternative hypothesis is that the population mean is not equal to 100.

The test is a two-tailed test.

The test statistic is calculated as follows:

$$t = \frac{\bar{x} - \mu_0}{s / \sqrt{n}}$$

where \bar{x} is the sample mean, μ_0 is the population mean, s is the sample standard deviation, and n is the sample size.

The test statistic is compared to the critical value from the t-distribution.

If the test statistic is greater than the critical value, the null hypothesis is rejected.

If the test statistic is less than the critical value, the null hypothesis is not rejected.

The p-value is the probability of observing a test statistic as extreme as the one observed, assuming the null hypothesis is true.

The p-value is compared to the significance level.

If the p-value is less than the significance level, the null hypothesis is rejected.

If the p-value is greater than the significance level, the null hypothesis is not rejected.

The test results are summarized in the following table:

Test Results Summary

Test Statistic: $t = 2.34$

Critical Value: $t_{\alpha/2} = 1.96$

Decision: Reject the null hypothesis.

Conclusion: The population mean is not equal to 100.

Confidence Interval: 95%

Interval: $(98.5, 101.5)$

Interpretation: We are 95% confident that the population mean is between 98.5 and 101.5.

Assumptions: The data is normally distributed, the sample is random, and the population standard deviation is unknown.

Limitations: The test is only valid for normally distributed data.

Recommendations: Further research is needed to confirm the results.

References: [1] [2] [3] [4] [5]

Appendix: [1] [2] [3] [4] [5]

1 "Said parties of the first part further agree to provide
2 all rights of way for said flume and to maintain the same,
3 and to cause to flow therein within the ten days hereinbefore
4 specified, to and into the conduit of said party of the second
5 part, as set forth as hereinabove, all water now developed
6 on said lands, and in addition thereto said parties of the
7 first part further agree that they will increase the pumping
8 plant now on said land by the addition of a compressor of
9 as great power as can be run by the engine now on said land."

10 Mr. Britt: Q These lands are part of the Ontario Colony
11 lands?

12 A Yes, sir; the wells that I am speaking of.

13 Q My understanding was, that the 16th Street wells were on
14 the Cucamonga Ranch.

15 Mr. McKinley: Yes; but a great portion of the Ontario land
16 is in the Cucamonga Ranch.

17 A (Continuing) "And said parties of the first party fur-
18 ther agree to pump water from all the wells on said land
19 to the fullest capacity of the pumping plant."

20 Mr. Britt: That is identified sufficiently. I did not rec-
21 ognize the calls of the lots.

22 Mr. McKinley: The reporter can copy the contract into the
23 record.

24 Mr. Britt: Yes. We waive the reading of any more of the con-
25 tents of the contract.

26 The following is a copy of said contract, the same being
27 marked "Defendants' exhibit A."

1. The first of these is the fact that the

2. second is the fact that the

3. third is the fact that the

4. fourth is the fact that the

5. fifth is the fact that the

6. sixth is the fact that the

7. seventh is the fact that the

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11. eleventh is the fact that the

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15. fifteenth is the fact that the

16. sixteenth is the fact that the

17. seventeenth is the fact that the

18. eighteenth is the fact that the

19. nineteenth is the fact that the

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22. twenty-second is the fact that the

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24. twenty-fourth is the fact that the

25. twenty-fifth is the fact that the

26. twenty-sixth is the fact that the

27. twenty-seventh is the fact that the

28. twenty-eighth is the fact that the

DEED DATE' EXHIBIT C.

THIS AGREEMENT, made the 29th day of September, 1894,
by and between H. M. Frankish, Charles Frankish and C. T. Stamm
parties of the first part, and the San Antonio Water Company,
a corporation organized and doing business under the laws of
the State of California, and having its office and principal
place of business in the town of Ontario, County of San Bern-
ardino, State of California, the party of the second part,
Witnesseth:

That whereas, said parties did heretofore on the 9th day of
June, 1894, enter into a contract wherein and whereby the
said parties of the first part did agree to undertake the
work of developing and delivering of water to the party of
the second part;

And whereas, the fulfillment of said contract requires finan-
cial assistance from the party of the second part, and

Whereas, the party of the second part is desirous of obtain-
ing water to carry out the purposes of its incorporation, -

Now, Therefore, in consideration of the foregoing the party
of the second part agrees to deliver bonds of the face value
of thirty thousand (\$30,000) dollars, issued by the party of
the second part, the issuance of which said bonds has been
provided for by vote of the stockholders of said party of
the second part, as soon as said bonds are ready for delivery
and not later than November 1st, 1894, unto the parties of the
first part. The Ontario State Bank, a banking corporation
organized under the laws of the State of California, having
its principal place of business in said County of San Bernar-
dino, shall be the custodian of said bonds and all the proceeds

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1 thereof, in trust however, to be expended by the said bank
2 in payment for expenses incurred by parties of the first part
3 in carrying out the agreement of June 9th, 1904, mentioned
4 above and this agreement. The Ontario State Bank shall keep
5 an accurate account showing the expenditure of all moneys re-
6 ceived from any sale of said bonds and shall keep proper vouch-
7 ers showing the nature of said expenditures, and said account
8 and said vouchers shall at all times be subject to inspection
9 by the Board of Directors of the party of the second part,
10 or any committee of said board.

11 The parties of the first part further agree to diligently
12 carry on to completion the said contract of June 9th, 1904,
13 and also agree within ten days from the date hereof to con-
14 struct and maintain a wooden flume from the wells upon the
15 real property next hereinafter described to the main conduit
16 of the party of the second part at the highest practicable
17 point for the purposes hereinafter stated, and to provide all
18 rights of way for said flume and the maintenance thereof, be-
19 tween Twelfth and Fifteenth Streets of the Colony of lands
20 of the Ontario Colony in said County. Said flume shall be
21 of sufficient capacity to carry the water now developed or
22 which can be pumped from the present wells now on said land.

23 Said land is described as follows: Being lots 381, 382, 383,
24 384, 415, 416, 517 and 418 of Ontario Colony Lands, according
25 to the map of said lands on file in the office of the County
26 Recorder of said County of San Bernardino.

27 Said parties of the first part further agree to provide
28 all rights of way for said flume and to maintain the same,
29 and to cause to flow therein within the ten days hereinbefore

specified, to and into the conduit of said party of the second part, as set forth hereinabove, all the water now developed on said lands and in addition thereto said parties of the first part further agree that they will increase the pumping plant now on said land by the addition of a compressor of as great power as can be run by the engine now on said land, and said parties of the first part further agree to pump water from all the wells on said land to the fullest capacity of the pumping plant, including said compressor upon said land, whenever required or directed to do so by the party of the second part; and to cause said water to flow in said flume to and into the conduit of the party of the second part as hereinabove set forth.

In further consideration of the foregoing the said parties of the first part promise and agree to develop water and to deliver the same in accordance with and pursuant to the contract of June 9th, 1894, to the extent of forty inches, measured under a four inch pressure, unto the party of the second part according to the terms of said contract. If the said forty inches of water shall not be delivered by the said parties of the first part pursuant to the terms of said contract of June 9th, 1894, upon the 15th day of September, 1895, unto the party of the second part, then the parties of the first part agree at once, upon such default and upon said last named day, to pay to said party of the second part the sum of \$750.00 for each inch of water, so measured as above, less than the said forty inches which they agree to deliver on said day pursuant to said contract. Said parties of the first part as security for the ~~failure~~

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1 faithful performance of this contract on their behalf, and
2 for the payment of all sums of money which may be due from
3 them according to the terms of this agreement upon the said
4 15th day of September, 1895, hereby pledge 200 shares of the
5 capital stock of the said San Antonio Water Company, the party
6 of the second part, and mortgage the following described lands
7 situate in the said County of San Bernardino, State of Cali-
8 fornia, being lots 331, 332, 333, 334, 415, 416, 417 and 418,
9 of Ontario Colony Lands according to the map thereof on file
10 in the office of the County Recorder of said County; togeth-
11 er with all water developed ~~data~~ therein and all water rights
12 of every kind and nature whatsoever thereto appertaining.
13 Together also, with the pumping plant and flume and the rights
14 of way heretofore mentioned and everything appertaining to
15 said property, and also Blocks 14, 29 and 59 of San Antonio
16 heights, according to the map of said San Antonio Heights of
17 record in the office of the County Recorder of said County of
18 San Bernardino, together with all water developed therein,
19 and all water rights of every kind and nature whatsoever there-
20 to appertaining.

21 The said parties of the first part further agree that no
22 wells shall be sunk or water galleries made in the lands
23 described as follows, to-wit: Being lots 275, 276, 307, 308,
24 309 1/2, 309, 310, 341, 342, 343, 344, 345, 346, 377, 378,
25 379 and 300 of Ontario Colony Lands, according to the map of
26 said lands on file in the office of the County Recorder of
27 said County of San Bernardino, until the said parties of the
28 first part shall have performed in full their obligations
29 and covenants under this contract, either by the delivery of

at least forty inches of water measured under a four inch

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1 pressue, according to the conditions and terms of said contract
2 of June 9th, 1894, or by the payment of \$750.00 for each inch
3 of water which they shall fail to deliver according to the
4 terms of said contract, less than said forty inches.

5 It is further provided and agreed that before any of the
6 bonds mentioned hereinbefore shall be delivered by the party
7 of the second part unto the parties of the first part herein,
8 the parties of the first part shall show by a good and suffi-
9 cient abstract of title to said lands, or a certificate of
10 title to said lands, made by the Consolidated Abstract &
11 Title Company, a corporation doing business in said County
12 of San Bernardino, and having its principal office in the
13 City of San Bernardino in said County, that said parties have
14 an unincumbered title in fee to the said real property here-
15 inbefore mortgaged. It is further in like manner provided
16 and agreed that said 200 shares of the capital stock of the
17 said San Antonio Water Company agreed to be pledged shall be
18 free from all liens and incumbrances. And it is further
19 agreed that the said parties of the first part shall pay all
20 assessments which shall be levied upon said 200 shares of
21 stock during the existence of this contract.

22 It is further understood and declared to be the intent of
23 this agreement that no compensation whatever in addition to
24 that provided for in the said agreement of June 9th, 1894,
25 shall be paid by the said party of the second part unto the
26 party of the first part for compliance with or completion of
27 this agreement and the agreement of June 9th, 1894.

28 It is further stipulated and agreed between the parties
29 hereto that in the event of a foreclosure of the mortgage

set forth herein that a reasonable attorney's fee is therefor

The first of these is the fact that the
 of the world is not a uniform one, but
 is a complex of many different parts,
 each of which has its own life and
 its own way of thinking. The second
 is the fact that the world is not a
 static one, but a dynamic one, in
 which things are constantly changing
 and growing. The third is the fact
 that the world is not a single entity,
 but a collection of many different
 parts, each of which has its own
 life and its own way of thinking.
 The fourth is the fact that the world
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 way of thinking. The tenth is the
 fact that the world is not a uniform
 one, but a complex of many different
 parts, each of which has its own life
 and its own way of thinking.

may be fixed by the Court and that payment thereof is secured
heresy.

IN WITNESS WHEREOF, the said parties of the first part have
hereunto set their hands the day and year first above written,
and the said party of the second part has caused these pres-
ents to be signed by its President and Secretary, duly author-
ized thereunto, and the corporate seal of said corporation
to be hereto affixed.

A. M. Frankish

Chas. Frankish

G. T. E. Lamm

San Antonio Water Co.

(SHE) By J. J. Andrews, President

By E. C. Shepherd, Secretary:

Mr. McKinley: In this connection, the reporter calls my attention to the fact that we had one exhibit in the opening of the plaintiffs' case. The result is, that we had a duplication of Exhibit A, and I ask that the first exhibit that we have introduced on this part of the case be marked Exhibit AA.

The Court: Very well.

Mr. McKinley: After the making of this contract I understand you delivered the water that summer.

A That fall; yes, sir.

Q The contract was made on the 29th of September?

A The contract was made on the 29th of September. We had the flume in about ten days and delivered it as agreed.

Q That was in 1894?

A Yes, sir.

Q What was done with that well and the water of it in the subsequent irrigating season?

A We pumped water from it in 1895, and delivered it the same way, and in 1896, owing to financial difficulties, we were not able to carry on the pumping and the water company pumped it themselves.

Q What was done in 1897?

A I think it was pumped part of the year in '97, and the plant was burned down in '97 in one part of the year. I am not sure of the date, but it was about the summer of '97. And in '98, the Water Company sent Mr. Lindly, one of the directors, to ask permission to make improvements in the well. We were not able to do so, but I gave Mr. Lindly written permission to improve the well, and we gave them the use of the

100,000,000. It was estimated that the
population of the United States in 1900 was 76,000,000.
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20. The population of the United States in 1900 was 76,000,000.

1 water for the balance of 1898 and 1899, and in consideration -
2 Q Do you know the amount of water received by the company
3 during those years?

4 A After they made the improvements?

5 Q No. Up to the time they made the improvements.

6 A I think it varied from 30 to 40 inches.

7 Q And after they made the improvements, do you know in re-
8 gard to it?

9 A Only by report.

10 Q Of course you can't testify to that. After they made the
11 improvements did you continue to own the wells?

12 A Very shortly after that we surrendered the lands to them.
13 They advanced us \$30,000.00 in bonds, and we gave them sex-
14 curity on this property, and we surrendered it to them.

15 Q You turned the property over to the San Antonio Water Com-
16 pany?

17 A Yes, sir.

18 Q During the period when you were still owners of the land
19 and were familiar with it, what part of those seasons did
20 they pump that well?

21 A Just during the shortage of the water in the irrigation
22 season, when the water was most needed.

23 Q And they pumped during all that time?

24 A Yes, sir.

25 Q You have been familiar with the conditions of the San
26 Antonio Water company and its stockholders, and the necessi-
27 ties for water, have you?, Mr. Frankish, during your resi-
28 dence?

29 A I think about as well as any person in Ontario.

1 That was the condition as to the supply of the water
2 for the San Antonio Water Company at the period that these
3 wells were turned over by you and during the period of
4 three or four years subsequent to that while the San Antonio
5 Water Company was acquiring or undertaking to acquire these
6 waters over in the Cucamonga region -- not stating your opin-
7 ion as to the conditions, but just describing and stating the
8 facts.

9 Mr. Britt: The facts of the condition of the San Antonio
10 Water Company's supply?

11 Mr. McKinley: Yes, sir, the conditions.

12 Mr. Britt: The object to the question as necessarily calling
13 for the opinion and conclusion of the witness. There would
14 be no objection to his stating the supply of water the San
15 Antonio Water Company had, but as to its condition at that time
16 it necessarily calls for the opinion of the witness.

17 The Court: I am inclined to think that is true. It is a
18 question as to the sufficiency of water.

19 Q During the period that you refer to, how much water did
20 the San Antonio Water Company have for delivery to its stock-
21 holders?

22 A I can't state the exact amount in inches, but the supply
23 ran down from the supply that we had been accustomed to to
24 about one quarter. The irrigation periods were cut down to,
25 in some cases, six hours instead of twenty-four, and Ontario
26 suffered severely for want of water before these developments
27 took place.

28 The Court: Q You don't remember the exact inches, but you
29 did know at the time?

1 A Yes, sir; but I cannot speak from memory.

2 Mr. McKinley: Q You are familiar with the raising of cit-
3 rus fruits and the irrigation of oranges and lemons and the
4 necessities therefor?

5 A Yes, sir, I think so.

6 Q State whether in your opinion the necessity for a larger
7 amount of water increases as the orchards get older, and what
8 length of time it continues to increase?

9 Mr. Britt: I think it was admitted the other day.

10 Mr. McKinley: You said 12 years, but we disagree with that.

11 Mr. Britt: Q There may be some question as to what length
12 of time it continues to grow.

13 A So long as the trees increase in growth and production,
14 they need more water. And my experience is, that 12 years
15 is very far from the limit of increase.

16 Q What do you think is the limit?

17 A I don't think we have reached that point. The oldest or-
18 chards we have in Ontario are about 25 years old, and I don't
19 see any diminution at present in their increase in growth
20 and productiveness.

21 Cross Examination.

22 By Mr. Britt: Q You state that No. 3 was the main well.

23 A I should like to state that I do not know how the Water
24 Company has numbered its wells, but the well that they have
25 marked No. 3 is the one from which we pumped first.

26 Q Was that the well from which you supplied water under
27 this contract with the San Antonio Water Company?

28 A We had two wells, but I think the one numbered 3 is the
29 principal one.

1 Q Did you pump both?

2 A Yes, sir, but the main one was the No. 3. I only know
3 it by the location on the map.

4 Q When you say it was the main well, do you mean that it
5 furnished the most water, or that you pumped it more at the
6 time?

7 A Yes, sir, we pumped it more at the time. Our plant was
8 right at the well, and we were on the other adjusting and
9 testing by the plant that was there. We didn't pump regularly
10 from the other one. It is several hundred feet west of the
11 main one.

12 Q How many hundred feet?

13 A I couldn't tell you. It might be 200 or 300 feet.

14 Q Then I understand that you did not commonly pump from
15 the more westerly one?

16 A No, sir, I should say not.

17 Q Were those wells both sunk in the first place at the
18 same time?

19 A I think the well that I speak of as No. 3 was sunk
20 first, and the other one subsequently.

21 Q You say that was about 1938?

22 A I think about '36, as near as I can remember. I have no
23 data as to that, but it was about that time. It might be
24 about '37. But we finished in '36.

25 Q They were shafts at first?

26 A Yes, sir.

27 Q And dug about how deep?

28 A We went down about 80 feet to water.

29 Q And then stopped?

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1 A Yes, sir.

2 Q Did you do any pumping when you first sunk your shafts?

3 A Just simply continued to work.

4 Q Did you strike the water stratum at about the same depth
5 in each well?

6 A To the best of my recollection I should say so. One
7 well was a little lower than the other, but the water was a-
8 bout at the same level.

9 Q No. 3 was a little lower than No. 2?

10 A No. 3 is a little higher.

11 Q Do you remember what you pumped from the wells at the time
12 you first tested it?

13 A When we put in sufficient pumping plant we pumped about 40
14 ~~2~~ inches from the one well.

15 Q What did you do with the water then?

16 A Just in testing? We tested it simply, and let it run
17 on the rocks till we took the flume and then we delivered it
18 to the Water Company.

19 Q You say it was on the rocks? It was in wash ground?

20 A There was a number of washes around, or galleys.

21 Q It was part of the delta of the Cucamonga wash?

22 A Well, it might be so. It is more of an overflow. Yes,
23 part of the delta.

24 Q Did you keep any log of those two shafts?

25 A No, sir.

26 Q Did any one else keep a log of them that you know of?

27 A I don't know of any. There might have been.

28 Q Did you sink them yourself, or have them dug under
29 contract?

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1 A We had them dug by day's labor.

2 Q Those wells were not pumped again till '94, I understand?

3 A No. That was the first pumping to make any use of them.

4 Q What did you do with the shafts?

5 A Boarded them over.

6 Q Covered over?

7 A Yes, sir.

8 Q There was no pump permanently installed?

9 A Not prior to '94.

10 Q Did they cave in before '94?

11 A No, sir.

12 Q In 1894 did you do some deepening?

13 A Yes, sir. We ~~had them~~ bored down there before we
14 put in a pumping plant.

15 Q Who did that drilling?

16 A Mr. Rubio did it for myself and my associates.

17 Q Who were your associates?

18 A Mr. Starn.

19 Q And your brother?

20 A No, sir. Only Mr. Starn. Mrs. Frankish was the owner
21 of the land on which part of the other developments were made.
22 That is why she signed this agreement.

23 Q You had another contract nearer the mountain. Where?
24 North of Ontario?

25 A Yes, sir, north of 25th Street, right at San Antonio
26 Heights.

27 Q In the wash of San Antonio Creek?

28 A No, sir. It was on the high mesa.

29 Q East or west of San Antonio Creek?

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1 A East of San Antonio Creek, east of Buckhorn Creek.

2 Q To what depth did you sink the well No. 3 in '94?

3 A I can't state positively. I think about 300 feet.

4 Q From what do you derive your impression?

5 A From my memory of the work going on.

6 Q Were you present there during the progress of the work?

7 A I was there probably every second or third day. I
8 was there very frequently.

9 Q And the other well, to the west, about 250 feet?

10 A We didn't deepen that one. We simply had the shaft down
11 there.

12 Q That never was deepened?

13 A I don't know. The Water Company may have deepened it.

14 Q Who?

15 A The San Antonio Water Company.

16 Q You say that was only 250 feet west from No. 3?

17 A That is as near as I can remember.

18 Q But you never improved the shaft any?

19 A No, sir.

20 Q Then that never was pumped after '96, after it was tested,
21 to your knowledge?

22 A Not by us -- after '96, did you say?

23 Q Yes.

24 A Oh, yes. I think we pumped it a little when we had the
25 air compressor. We put the pump on expecting to deepen it,
26 but we couldn't get the water out and it was left in that shape
27 that was in '94 that we put the compressor in. We pumped by
28 compressed air.
29

1 This second well 250 feet westerly from No. 3 was never
2 pumped for purposes of utility?

3 A No, sir, not systematically.

4 Q So we may confine our attention to No. 3 as regards the
5 purposes of the present case. You think that well was lower-
6 ed to the depth of 350 feet also t?

7 A Yes, sir, to the best of my recollection.

8 Q That means from the surface of the ground?

9 A Yes, sir.

10 Q Do you remember how much per foot you agreed to pay him
11 for the work?

12 A No, sir. We didn't pay by the foot. We hired him by the
13 day to run the machine.

14 Q Do you remember what it cost you?

15 A No, sir, I couldn't tell you that now.

16 Q Did you test that well, after it was deepened, to as-
17 certain what it would flow before you made this contract of
18 September 29, 1894?

19 A We had pumped it and found there was between 30 and 40
20 inches of water according to our pumping plant. The trouble
21 was we didn't have power enough to lift the water. That was
22 the limit of our lifting power, and not the limit of the water.
23 It was the limit of the plant, and not the limit of the well.

24 Q You don't know, of course?

25 A No; that was my opinion.

26 Mr. Britt: It is not a matter of very much importance,
27 but we ask that the opinion of the witness be stricken
28 out as not responsive.

29 The Court: Stricken out.

1. The first thing I noticed when I stepped out of the car was the cold air.

2. It was a sharp contrast to the warm car interior.

3. The wind was blowing hard, and it felt like a slap in the face.

4. I shivered as I walked towards the building, my hands tucked into my pockets.

5. The ground was covered in a thin layer of snow, and my footsteps left deep prints.

6. I looked up at the sky, where a few clouds were scattered across the blue.

7. The sun was shining brightly, and the world felt like a different place.

8. I took a deep breath and felt the cold air fill my lungs.

9. It was a refreshing experience, and I felt like I was starting over.

10. I walked faster, my heart pumping with excitement and anticipation.

11. The air was crisp, and the snow was soft under my feet.

12. I felt like I was in a dream, and everything seemed so perfect.

13. The world was beautiful, and I was grateful for the moment.

14. I smiled as I walked, feeling the joy of the season.

15. The snow was falling gently, and the air was so clean.

16. I felt like I was in a fairy tale, and everything was so magical.

17. The world was a beautiful place, and I was lucky to be here.

18. I took another deep breath and felt the cold air fill my lungs.

19. It was a wonderful feeling, and I knew I was in the right place.

20. The snow was falling faster now, and the air was so cold.

21. I felt like I was in a winter wonderland, and everything was so perfect.

22. The world was beautiful, and I was grateful for the moment.

23. I smiled as I walked, feeling the joy of the season.

24. The snow was falling gently, and the air was so clean.

25. I felt like I was in a fairy tale, and everything was so magical.

26. The world was a beautiful place, and I was lucky to be here.

27. I took another deep breath and felt the cold air fill my lungs.

28. It was a wonderful feeling, and I knew I was in the right place.

29. The snow was falling faster now, and the air was so cold.

Q You began to deliver water under that contract in the fall of '04?

A Yes, sir. About the middle of October, '04.

Q And continued to deliver it how long that season?

A That I couldn't say. Just as long as the dry weather continued. It probably stopped when the rains came.

Q Do you know how much water was delivered steadily that season?

A Into the pipe lines of the water company, a little over 15 inches.

Q How do you arrive at that estimate? Did you measure it or have it measured?

A We measured it from the well. We had the word of the janjero at the other end that there was only 25 delivered. We had a weir that we measured the water over as we pumped it.

Q At what rate were you being paid?

A I don't think we were being paid. We delivered the water in consideration of the issuance of those bonds.

Q Who paid the expense of pumping?

A We did.

Q Frankish and Starr?

A Yes.

Q Have you kept any records of your proceedings that fall and for a year or two following?

A I had at that time, but I have no knowledge where they are. It has been entirely out of our hands, and we had no further use for anything of that kind.

Q Did you pump the well any the next season -- 1905?

A Yes, sir, we pumped it during the progress of our other

1 work, keeping up our agreement to pump till we got the other
2 water developed. They issued bonds to us on the contract for
3 30 inches of water -- rather, 40 inches of water -- thirty
4 thousand dollars at seven hundred and fifty dollars an inch--
5 and we were trying to keep up that supply of water pending
6 the development at the other point.

7 Q Do you know what time you began in '95?

8 A No. It would depend on the rains entirely, and the demand
9 for water. It is 14 years ago, and I have had no occasion
10 to keep any record of it.

11 Q Do you know how late you ran that season?

12 A No, sir. That would depend also on the rain and the
13 demand for water.

14 Q You were running that as a temporary expedient till you
15 could develop water at the other plant?

16 A Yes, sir.

17 Q And when you developed water at the other plant, then you
18 quit pumping -- ~~is~~

19 A No, if we had succeeded in our other development we would
20 have succeeded in this one, but, unfortunately, we were fi-
21 nancially unable to carry it on, so we had to drop it.

22 Q Did you get the other one established?

23 A No, sir. We failed. We had't enough money to carry
24 the matter on.

25 Q The bonds that you had were not adequate to enable you
26 to carry the work on?

27 A No, sir. They were not sufficient to complete the work.

28 Q In 1896 did you put this No. 3 at all?

29 A I think in '96 we were unable to finance the matter.

1. The first part of the paper is devoted to a general
2. introduction of the subject. The second part is
3. devoted to a detailed description of the
4. various different types of cases and their
5. treatment. The third part is devoted to a
6. description of the various methods of
7. treatment. The fourth part is devoted to a
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18. description of the various methods of
19. treatment. The tenth part is devoted to a
20. description of the various methods of

and we allowed the Water Company to do their own pumping in '96.

I know in '98 they came to me-- Mr. Lindley came to me on behalf of the Water Company asking permission to improve those wells, and I gave them a written permission to do so. I gave them the use of the water in condition of their making the improvement. I have a copy of the letter.

Q Let us see it. But first, before we proceed to the letter, in '96 you ceased to pump.

A Yes, sir.

Q At what time of the year.

A I rather think we didn't pump in '96. The Water Company ~~xxx~~ did.

Q Did the Water Company pump in 1896?

A I can't say. My recollection is that they did, but I didn't have experience with it personally. I cannot swear.

Q Were you there to see?

A I may have been there but I don't remember just what they did.

Mr. Britt: We ask that the statement as to what the witness believes the Water Company did about pumping in 1896 be stricken out as incompetent.

The Court: That is not based on personal observation, and when you say--

A No, sir; I have no recollection as to that.

The Court: Stricken out.

Mr. Britt: In 1897 were you present to observe whether anybody was pumping?

A My recollection is that the Company pumped continuously from '96 to '97, till the pumping plant was burnt down; but

10.10

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1 I can't say so. I am only telling you what I believe.

2 Mr. Britt: That is incompetent, and I move to strike it out.
3 I asked you if you were on the ground to see whether anybody
4 was pumping it in '97.

5 A I can't say positively; I have no doubt I was on the
6 ground and saw them pumping, because I drove around a great
7 deal; but I can't tell of my own memory, and I wouldn't
8 like to say at what time they were pumping, or when.

9 Q You say the pumping station burned down when, in '97?

10 A My recollection is it was some time in the summer of
11 '97, by a brush fire.

12 Q Do you remember what time in the year.

13 A No, sir; it was in the summer, I think.

14 Q What was it that burned.

15 A The little frame building where the pumping plant was,
16 but I won't state positively when that was.

17 Q You don't know whether it was in '97 or some other
18 year that the pumping house burned.

19 A I know nothing definitely until '98. I wouldn't like to
20 state under oath what they did because I don't remember what
21 they did in '96 and '97.

22 Q You don't know what operations were going on in 1896 and
23 '97.

24 A No, sir.

25 Q You won't undertake to testify what was done in '96 and
26 '97?

27 A No, sir.

28 Q In '98 you gave some permission to operate the wells?

29 A Yes, sir; that was written in my own hand and I kept an

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1 exact copy of the letter that I wrote them.

2 Q I notice this is signed Ontario Land and Improvement
3 Company, by Charles Frankish president.

4 A Yes, sir.

5 Q Had you any conveyance of your rights in the wells to
6 the Ontario Land and Improvement Company.

7 A No, sir; those wells were owned by the Ontario Land and
8 Improvement Company. I said before that Mrs. Frankish had
9 nothing to do with this property, but the other proposition
10 she was interested in. This property was in the Ontario
11 Land and Improvement Company. There was no other stock-
12 holders besides ~~myself~~ our own families. The title was in
13 the Ontario Land and Improvement Company.

14 Q I see that this refers to well no. 2.

15 A We called it well no. 2. the Company put in more. That
16 was the second well from the Avenue and we called it no. 2.
17 They changed it to no. 3. And as I say, I am not conversant
18 with their numbering. The well they have marked no. 3 is what
19 we called no. 2, to the best of my understanding of the facts.

20 Q There was nothing done under this contract of September
21 '94 for the purpose of carrying out that contract after '95.
22 There was no work done on that contract after '95?

23 A No pumping by Mr. Stamm and myself; no, sir. It might
24 be possible that we commenced in '96, but I don't think so.

25 Mr. Britt: I have no objection to this paper being introduced
26 in evidence, but I don't see that it adds anything.

27 Mr. McKinley: It only fixes the date, that is all.

28 Mr. Britt: The land there on which this well was situated
29 ed, I infer from what you say, was possessed by you under

1. The first step in the process of the investigation is to determine the scope of the problem. This is done by identifying the area of the problem and the extent of the problem. The next step is to gather information about the problem. This is done by talking to people who are involved in the problem and by looking at documents and other sources of information. The third step is to analyze the information that has been gathered. This is done by looking for patterns and trends in the information and by trying to identify the causes of the problem. The fourth step is to develop a plan of action to deal with the problem. This is done by deciding what needs to be done and by assigning tasks to people who are responsible for doing the work. The fifth step is to implement the plan of action. This is done by carrying out the tasks that have been assigned. The sixth step is to evaluate the results of the investigation. This is done by comparing the results of the investigation with the original problem and by deciding whether the problem has been solved. The seventh step is to report the results of the investigation. This is done by writing a report that describes the problem, the investigation, and the results of the investigation. The eighth step is to follow up on the results of the investigation. This is done by checking to see if the problem has been solved and by making any necessary adjustments to the plan of action.

1 in some sort of a contract with the San Antonio Water
2 Company?

3 A The Ontario Land and Improvement Company

4 Q You stated that you gave up the land and the well.

5 A We surrendered to the San Antonio Water Company.

6 Q What do you mean by surrendering?

7 A We gave it to them as security for the advance of
8 the bonds and we couldn't meet our obligation and we sur-
9 rendered out title in satisfaction of the claim of the
10 Water Company for the bonds which they gave to us.

11 Q You made a sort of a mortgage of the land?

12 A Practically so. I don't remember the form, but it was
13 in substance that we gave them security and we surrendered
14 it to them, because of our failure to carry out our obliga-
15 tion.

16 Q Was that land held by this Ontario Land and Improvement
17 Company of which you were president?

18 A Yes, sir. I believe proceedings were taken to fore-
19 close the same, if I remember right. The officers of the
20 Water Company can tell you about that better than I can. But
21 we made no effort to defend ~~it~~ it and we let it go in that
22 way.

23 Q How did this Ontario Land and Improvement Company suc-
24 ceed to yourself and Starn?

25 A They didn't succeed to it; it was their land originally.
26 Frankish and Starn were the Land and Improvement Company
27 individually. We carried on our improvement individually
28 on land owned by Mrs. Frankish, and these lands belonged
29 to the Ontario Land and Improvement Company.

It was not to be expected that the results would

be so different from those of the previous

years. The results were not very different

from those of the previous years, but the

results were not very different from those of

the previous years, but the results were not

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results were not very different from those of

1 Q This contract signed by Fra kish and Starn was not
2 signed by the persons who owned the land? The corpora-
3 tion owned the land, as I understand?

4 A Yes; I can't state whether the corporation deeded it
5 to others at that time, or how it was--

6 Q It seems to me that the corporation was undertaking
7 to give this permission in July, 1898.

8 A Yes; it no doubt gave the permission.

9 Q Whatever rights were held in the land-- whatever
10 rights to operate this well or to take water out of the land
11 at that time, was held by the Ontario Land and Improvement
12 Company in '94 ~~xx~~ when that contract was made?

13 A Yes, sir.

14
15 Mr. Britt: We offer this paper in evidence as part of the
16 witness' cross examination. It may be marked Plaintiffs'
17 Exhibit 80. It is a letter of the Ontario Improvement
18 Company addressed to the San Antonio Water Company, of
19 date July 16, 1898.

20 Said letter is admitted in evidence, marked Plaintiff's
21 Exhibit 80, and the following is a copy thereof.

1 The first of these is the fact that the
2 number of people who are employed in the
3 service of the State is increasing rapidly.
4 This is due to the fact that the State is
5 becoming more and more dependent on the
6 service of the people. The number of people
7 employed in the service of the State is
8 increasing rapidly. This is due to the fact
9 that the State is becoming more and more
10 dependent on the service of the people.
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96 service of the people. The number of people
97 employed in the service of the State is
98 increasing rapidly. This is due to the fact
99 that the State is becoming more and more
100 dependent on the service of the people.

Copy

PLANTING' LALBIT CO.

THE ONTARIO LAND AND IMPROVEMENT COMPANY

Incorporated 1887 Capital \$500,000.00

Investors, Dealers in and Improvers of Real Estate, Water,
Water Rights and Developments

C. Frankish, President.

Ontario, Cal. July 16, 1898.

San Antonio Water Company,

Ontario.

Gentlemen:

In accordance of the request of Mr. Lindley and in
consideration that you shall put the well known as well No. 2
on 16" E street in good condition by deepening and recurbings
the same and operating it by an efficient pumping plant, permis-
sion is hereby granted to the San Antonio Water Company to
have the free use of water so pumped from said well during
the balance of the present season and for the season of
1899.

Yours respectfully

Ontario Land & Improvement Company

By Chas. Frankish, Pres.

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1 Q Do you know what quantity of water was pumped from the
2 well, what we call no. 3, in the season of '95?

3 A About the same as we had been pumping before. I
4 don't think there was any great variation because we could-
5 n't pump any more. We had only one pumping plant and it was
6 deficient in capacity.

7 Q Was there any log of that well kept when you deepened
8 it in '94?

9 A Unless it was kept by Mr. Rubio, the foreman, I don't
10 know. He simply reported the work from time to time during
11 the progress of the work.

12 Q Now you mentioned that the well was pumped during the
13 shortage of surface water: was that so in 1895?

14 A Yes, it was pumped during the short irrigation period.
15 If they had enough water without pumping, they wouldn't be
16 at the expense of pumping it.

17 Q Who paid the expense of pumping at that time? Yourself
18 and Mr. Stamm?

19 A Yes, sir; till we surrendered it and gave it up to the
20 Water Company to pump themselves. It might be in the sum-
21 mer or spring of '96, because we were unable to carry on our
22 work any further.

23 Q Where was this surface water that you speak of as being
24 the water supplemented by the pumping?

25 A The ordinary supply of Ontario. The water from San
26 Antonio Creek.

27 Q In 1895 how did you determine when a shortage of sur-
28 face water existed? Who decided that question?

29 A I presume the zanjero would know whether he had water to

1. I assume the entire study was written in the past
 (the entire study) and written in the past
 2. In fact, the study was written in the past
 3. The study was written in the past
 4. The study was written in the past
 5. The study was written in the past
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 8. The study was written in the past
 9. The study was written in the past
 10. The study was written in the past

1 car ry around the irrigation supply without additional water.

2 Q Did the zanjero notify you?

3 A Yes, sir; either the zanjero or the secretary of the Water
4 Company would notify us when they needed water.

5 Q You gave no personal attention to the pumping after '95?

6 A No, sir; unless it might possibly be that we commenced
7 in '96.

8 Q Well, if it did it didn't last very long?

9 A No, sir.

10 Q And you don't know what plan the Water Company pursued
11 of pumping the well in '98?

12 A Only from hearsay and report; I know nothing of my own
13 knowledge.

14 Q I understood you to say you were stockholder of the San
15 Antonio Water Company.

16 A Yes, sir.

17 Q Were you in 1895, '6, '7, '8 and '9?

18 A I have been a stockholder since 1888.

19 Q And are yet?

20 A Yes, sir.

21 Q Are you an officer or have you been an officer of the
22 company?

23 A Oh, yes; I have been on the directorate, but I am not
24 now.

25 Q You have been at times a member of the board of directors?

26 A Yes, sir.

27 Q How long ago did you cease to be a member of the board
28 of Directprs?

29 A Last November, the last time.

Q November, 1906?

A Yes, sir. For two years prior to that. At the time of these contracts I was not an officer of the Company.

Q During the time you were a director was this same policy pursued by the company relative to the pumping of those wells? That is, that you pumped when there was a shortage of surface water from San Antonio Creek?

A Yes, sir; that has been the custom, so far as I know.

Q That was always the custom?

A Yes, sir; because it is an expense to pump and they naturally would not incur the expense when they didn't need the water.

Q Have you an orange orchard?

A Only a small piece at the present time. I have had up to 250 acres at one time, but now I have only four or five.

Q Do you irrigate it with the water supplied by the San Antonio Water Company?

A Yes.

Q Are there any of the lands supplied with water from the San Antonio Water Company for the purposes of irrigation which derive such supply solely from the San Antonio Creek and Canyon?

A I didn't hear that. Pardon me. Will you repeat that?

Q Are there any lands supplied by the San Antonio Water Company for the purposes of irrigation upon which the water supply is derived only from the San Antonio Canyon?

A Yes; I believe so.

Q Are your lands in that area or are your lands supplied in part with water derived from these wells that you have

1. The first thing I noticed when I stepped out of the plane was the humidity. It was a warm blanket, wrapping around me in a way that felt both comforting and overwhelming. The air was thick with the scent of tropical flowers and the distant call of birds.

2. As I walked through the airport, I saw people from all over the world. There was a mix of languages and customs, but everyone seemed to have a sense of purpose. I felt like I was part of a larger story, one that was just beginning.

3. The hotel I stayed at was beautiful. It had a classic architecture with a modern twist. The rooms were clean and comfortable, and the staff was friendly. I felt like I had found a home away from home.

4. The next day, I went to the beach. The sand was soft and white, and the water was a beautiful shade of blue. I sat on the beach for hours, watching the waves crash against the shore. It was a peaceful and relaxing experience.

5. I also went to a local market. It was a bustling place with many stalls selling fresh produce, clothing, and other goods. I bought some fruit and a few souvenirs. It was a great way to experience the local culture.

6. The trip was a mix of adventure and relaxation. I saw some amazing sights and did some fun activities, but I also had time to rest and enjoy the scenery. It was a perfect balance.

7. I met some really nice people during my trip. They were from different parts of the world, but they all had a warm and friendly attitude. I enjoyed talking to them and learning about their lives.

8. The trip was a great experience. I saw some amazing things and did some fun activities. I also met some nice people and learned a lot about the local culture. I would definitely recommend it to anyone who is looking for a relaxing and adventurous trip.

9. I had a great time on my trip. I saw some amazing things and did some fun activities. I also met some nice people and learned a lot about the local culture. I would definitely recommend it to anyone who is looking for a relaxing and adventurous trip.

10. The trip was a great experience. I saw some amazing things and did some fun activities. I also met some nice people and learned a lot about the local culture. I would definitely recommend it to anyone who is looking for a relaxing and adventurous trip.

1 been talking about?

2 A I had lands when I had a larger acreage-- I had lands
3 that were supplied from San Antonio Creek only, and also lands
4 supplied from the wells. You see, the wells are too low down
5 to supply the upper part of the colony. The water from the
6 wells comes from between Twelfth and Fifteenth Streets.
7 Above that it is supplied from the San Antonio Creek.

8 Q About what acreage is there supplied in part with water
9 from the Sixteenth Street wells, this well no. 3, for exam-
10 ple?

11 A I should say about three-fifths or two-thirds of the
12 Ontario Colony lands get part of their water from there.
13 I give that in the nature of an estimate. Otherwise I would
14 have to go over the map very carefully.

15 The Court: Q What do you mean by "there"?

16 A From the wells. That is, they get it from them at times.

17 Mr. Britt: Q Is that water from the wells (from no. 3,
18 for example) when received by the San Antonio Water Company
19 mixed with the water coming from the Radie tunnel, where it
20 is distributed in its system in the Ontario Colony?

21 A I believe it is, but I am not quite clear on that point.
22 I think it comes through the same way.

23 Q How much further west does that wash or delta of the
24 wash of the Cucamonga Creek extend than well no. 3?

25 A In '86 or '87 the water from the Cucamonga Creek-- the
26 storm water-- came through our lands within three-eighths
27 of a mile of Euclid Avenue. It washed down in such volumes
28 that I employed a lot of men and spent considerable money
29 to build a stone dam and prevent it coming that way, and

There is no doubt that the American people are entitled to know the truth about the activities of the American government in the Far East. The American people have a right to know the truth about the activities of the American government in the Far East. The American people have a right to know the truth about the activities of the American government in the Far East.

1. The first sentence is a simple sentence. It contains one independent clause. The subject is "The first sentence" and the predicate is "is a simple sentence".

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

1. The Government of the United States of America, hereinafter referred to as the "Government", and the Government of the State of New York, hereinafter referred to as the "State", have entered into an agreement for the purpose of providing for the construction of a new bridge over the Hudson River, hereinafter referred to as the "Bridge".

THESE THINGS ARE NOT THE ONLY REASONS WHY WE SHOULD
BE CONCERNED ABOUT THE FUTURE OF OUR COUNTRY.

1. The first step is to identify the problem or goal. This involves understanding the current situation and what needs to be achieved.

ALL THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

1. The first step in the process of identifying a problem is to recognize that a problem exists. This is often done by comparing current performance with a desired state or goal. If there is a significant difference, a problem is identified.

1 throwing it to the east. It came in within three-
2 eighths of a mile of Euclid Avenue and came down to Fourth
3 Street and across the Southern Pacific railroad.

4 The Court: Q Do you mean that you spent this money indi-
5 vidually?

6 A For the Land Company.

7 Q The Ontario Land and Improvement Company?

8 A Yes, sir.

9 RE-DIRECT EXAMINATION.

10 Mr. McKinley : Q Can you point out on the map where the
11 course of the water was that you refer to, referring to
12 defendants' exhibit "D"?

13 A On the west bank of the Cucamonga wash there is quite a
14 high bank, I think, down to Twentyssecond Street, and
15 then the wash spreads out and the water crossed over at
16 that time within three-eighths of a mile- within three 10-
17 acre lots of Euclid Avenue, and cut in in this shape,
18 crossing all those streets, down to the Southern Pacific
19 railroad. It crossed right at that point.

20 Mr. Britt: Q Describe the point.

21 A Fourth Street-- It would be seven-eighths of a mile from
22 Euclid Avenue, and 17th Street would be within three-eighths
23 of a mile.

24 Q That does not describe how far to the east.

25 A Seven-eighths of a mile east of Euclid Avenue.

26 Mr. McKinley: Q During your examination you stated that
27 you were familiar with the raising of citrus fruits, and
28 you are familiar also with the use of waters and the amount
29 of water necessary.

A Yes, sir.

Q And have been during all these times?

A Yes, sir.

Q State whether in 1900 the San Antonio Water Company had sufficient water for the irrigation of orchards and groves belonging to its stockholders, in your opinion?

A Mr. Waters: That is objected to on the ground that it is incompetent and calls for the conclusion of the witness.

In support of that objection, it seems to me plain that that calls for something that is made up of a good many different factors.

The Court: Yes; I am inclined to think that that objection is well taken. Of course, if the witness shows that he knows the actual amount of water that they had at that time, and has an opinion as to a sufficient supply per acre, it is a different matter.

Q State whether at that time you were informed as to the amount of water that the San Antonio Water Company had under control?

A I wouldn't like to say any special year as to the amount of water.

Q I don't mean the precise amount in inches, but as to whether you knew the amount they were distributing at that time.

A You mentioned the year 1900. I cannot from memory state what the conditions were in 1900. I know during those years we were short of the regular supply of water. I don't know just what ~~xxxxx~~ different amount we had each different year, because I have no record of it.

Q State whether there was during any of those years a

[illegible]

1 shortage of water?

2 A Prior to the development of these wells we thought Ontario
3 was going to be ruined for want of water.

4 Mr. Britt: That is not responsive to the question, and we
5 ask that it be stricken out.

6 The Court: Yes; the ruination may be stricken out.

7 (Question read.)

8 A Yes; a great shortage of water.

9 Q What effect did it have on the orange orchards or citrus
10 orchards?

11 A As to their value or condition?

12 A As to their condition.

13 A Many of the citrus orchards suffered very much.

14 Q What in your opinion would have been the effect upon
15 the orchards if additional water had not been procured by
16 the San Antonio Water Company?

17 Mr. Britt: He object to it as being speculative and as
18 irrelevant, immaterial and incompetent.

19 The Court: The objection is sustained. I think all he is
20 called upon to do is to show that there was a shortage.

21 Q How did that shortage continue? How long?

22 A To the best of my recollection for five or six years.

23 The Court: Q Why did it cease then?

24 A Because of the development of the wells and purchase of
25 waters from other sources.

26 Q Was there an improvement of natural conditions at that
27 time? Had the rainfall become heavier?

28 A Of course, the seasons varied. Some years we suffered
29 more than others.

2104
1 The seasons of more extensive rainfall we didn't suffer as
2 much.

3 Q There was a period of four or five years that was
4 particularly dry?

5 A Yes, sir.

6 Q About what years were those? I am asking with relation
7 to your other answer. To what, if anything, do you attrib-
8 ute the shortage?

9 A I think it was those dry years that accentuated our con-
10 dition and we had to have a supply of water to tide over such
11 years when it came.

12 Mr. McKinley: Q State whether in your opinion in any of
13 the years since 1900 there has been a ~~few~~ sufficient sup-
14 ply of water from San Antonio Canyon for the irrigation of
15 the orchards and the domestic supply of Ontario?

16 Mr. Waters: Objected to as calling for too complex a
17 ~~qx~~ calculation to admit of an answer; that it is incompetent,
18 irrelevant and immaterial. If, as it seems to be now, the
19 theory of the defendants in this case (the Ontario Company)
20 that this Cucamonga supply is an auxiliary supply which,
21 taken together with the San Antonio Canyon supply, is to
22 furnish the colony of Ontario with water-- that seems to be
23 the theory of their pleadings too. Now if they propose to
24 follow that up, it seems to me there is no use wasting time
25 taking any man's simply guess of this thing. Get at your
26 acreage and get at the San Antonio supply and then find out
27 how much per acre is necessary for that locality or how many
28 inches one inch will supply, and get at the details. If
29 you try it on that theory that as were you will have to

[illegible]

land your boat, and you might as well get there. We have just gone through that same problem, Judge Britt on one side and I on the other, in the Tucaipe case. There is no use taking generalities from Tom, Dick and Harry. If that is your theory you may as well take up your burden and carry it through. That is where you are going to land and there is no use wasting time.

The Court: The objection is sustained. Defendants except.

Re-Cross Examination.

Mr. Britt: There is a Frankish and Stamm tunnel?

A Yes, sir.

Q Is that a San Antonio Canyon development? Where is the tunnel?

A It is the development that I spoke of in our previous contract.

Q That is the subject of the contract of June 9, 1904?

A Yes, sir.

Q Have you a copy of the contract?

A No, sir.

Q Do you know where it is?

A Not at the present time.

Q It was in writing?

A Yes, sir.

Q The San Antonio Water Company has it or did have it?

A I presume it must have it.

Mr. Britt: We will ask the defendant in the case, the San Antonio Water Company, to produce that contract. This contract is scarcely intelligible without it.

Mr. McKinley: Very well; we will produce it.

1. The first thing I noticed when I stepped out of the car was the
2. smell of the sea, a salty, fresh scent that I had never before.
3. I was standing on the beach, looking out at the vast expanse of water.
4. The sun was shining brightly, and the waves were crashing against the shore.
5. I felt a sense of peace and tranquility that I had never experienced before.
6. The air was warm and humid, and the sand was soft and smooth.
7. I took a deep breath and felt my lungs fill with the salty air.
8. The sound of the waves was soothing and calming, and I felt my stress melt away.
9. I walked along the shore, feeling the sand between my toes.
10. The water was crystal clear, and I could see the bottom of the sea.
11. I saw many colorful fish swimming around, and I felt a sense of wonder.
12. The beach was beautiful, and I felt like I had found a hidden gem.
13. I sat down on the sand and watched the waves roll in.
14. The sun was low in the sky, and the colors were vibrant.
15. I felt a sense of contentment and happiness that I had never felt before.
16. The beach was a perfect escape from the stresses of life.
17. I had found a place where I could relax and recharge.
18. The beach was a beautiful sight, and I felt like I had found a new world.
19. I had found a place where I could be myself and enjoy the simple things in life.
20. The beach was a beautiful sight, and I felt like I had found a new world.

1 Q Did you carry on the development of the Frankish and
2 Stamm tunnel or rather the running of that tunnel until
3 financial stress compelled the discontinuance of it in '96
4 or '95?

5 A Yes, sir.

6 Q How much water did you develop there?

7 A That I cannot tell you from memory. I think there is
8 flowing from that tunnel now 40 Or 50 inches of water. The
9 engineer or zanjero can give you that.

10 Q How much was there when you finished work there?

11 A I don't remember.

12 Q Do you remember approximately?

13 A 18 or 20 inches. It was not up to the amount and we
14 couldn't fulfill our contract and we had to give it up.

15 Q Do you know when you ceased work on the Frankish and
16 Stamm tunnel?

17 A I can't tell you; some time in 1895-- in the fall of
18 '95, probably.

19 Q Do you know what time of the year?

20 A In the fall of the year; September, I think.

21 Q That was the only development which is the subject
22 of that contract of June 9, 1894?

23 A That was all.

24 Mr. Waters: Q That water which you have spoken of a few
25 minutes ago as having run down from the Cucamonga Canyon to
26 within a certain distance of Euclid Avenue, which you sent
27 men up to build a stone wall to throw over to the east,
28 was that water which was running in that westerly wash the
29 ordinary flow of the stream of Cucamonga Creek, or storm

1 The first thing I noticed when I stepped out of the car was
2 the smell of the sea. It was a fresh, salty smell that I had never
3 experienced before. I had been told that the air in the south was
4 different, but I didn't realize it would be so noticeable.
5 As I walked along the beach, I saw many people playing in the
6 sand. Some were building castles, while others were just lying down
7 and soaking up the sun. I felt a little out of place, but I
8 decided to join in. I found a spot and lay down, feeling the warm
9 sand against my back. It was so comfortable that I almost
10 forgot where I was. I closed my eyes and let the sun warm my
11 face. I had heard that the weather was perfect, and now I
12 knew why. It was just what I needed after a long winter.
13 I stayed there for about an hour, enjoying the sun and the
14 view of the ocean. The waves were crashing against the shore,
15 creating a beautiful sound. I had never heard anything like it
16 before. It was so soothing that I felt like I was in a different
17 world. I had found a new place to relax and enjoy the sun.
18 After a while, I got up and walked back to the car. I
19 felt much better than when I had first stepped out. The sun
20 was still shining, and the air was still warm. I had found
21 exactly what I needed. I was in the south, and I was
22 feeling like a new man. I had found a new place to call home.
23 I had found a new life. I was in the south, and I was
24 feeling like a new man. I had found a new place to call home.
25 I had found a new life. I was in the south, and I was
26 feeling like a new man. I had found a new place to call home.
27 I had found a new life. I was in the south, and I was
28 feeling like a new man. I had found a new place to call home.
29 I had found a new life. I was in the south, and I was
30 feeling like a new man. I had found a new place to call home.

1 water from the excessive storms?

2 A From water, during heavy rain. You remember in the
3 spring of '86 we had very heavy rain and it washed over and
4 came down to our land.

5 Q And during how long a period of time did the water so
6 run over? Was it only during the immediate storm or was
7 it water for any considerable length of time after the storm?

8 A It ran probably several days after a heavy storm, but only
9 during a storm period.

10 The Court: It is now twelve o'clock. Somewhat in line with
11 Mr. Waters suggestion, I want to make a suggestion as a
12 time saving fact and one that deals with facts instead of
13 theories. It seems to me there ought to be no difficulty
14 in getting evidence as to a substantially accurate
15 statement of the acreage of the Ontario people and of the ages
16 of the different groves; and then testimony as to the re-
17 quirements of that acreage on that character of soil,

18 so that we may know pretty near what we are talking about
19 when it comes to the actual amount of water required. I
20 make that suggestion at this time for the reason that if
21 you have not witnesses already advised it will take them
22 some time to get the data together. It is hardly worth while
23 to take much time in speculating about those things.

24 Mr. McKinley: No; we shall meet the question fairly.

25 Mr. Waters: We all want to save all the time we can.
26 It seems to me that on the theory which is apparent here in
27 our view of the case of the defendant, that it is incumbent
28 upon them to show what at various times has been their acre-
29 age irrigated by the San Antonio supply and also what is the

San Antonio supply and what it has been at various times, as to whether there has been an increase either in the supply or in the area irrigated or, in other words, the new spread on new lands. All of those factors come in, although the Cucamonga people would seemingly not be very much interested in what they are doing at Ontario. But when they come to Cucamonga to eke out their supply, it is for us to scrutinize the Ontario supply and acreage and area and when it was brought in. We have an idea, those of us that have been here a considerable length of time, that there was a time when there weren't any orange groves, and then at a time when there were orange groves, and they were put in at different times and new areas brought in. All those things have a bearing. Now, it seems to me, we can reasonably say that they shall not plant out new orchards on the strength of coming to Cucamonga to get the water to supply them with, and all these factors have a bearing. And in that view, while it is in defense of themselves that they come to our side to get water, we would like to know under what circumstances, -- whether it is for new orchards or old orchards and whether their supply is growing shorter and less capable of supplying the demands, and whether that is because they are increasing their demands by new orchards and so on. We think all that is relevant.

The Court: My suggestion, I think, practically covered that matter. My suggestion was to ascertain the present acreage of orange groves or lemon groves and the different ages, -- say the number of acres twenty-five years old, and so on. It is then a matter of computation to find out when they were plant-

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1 ed.

2 Mr. Waters: Then again, their entire water supply has been
3 one, if you like, which will be shown to have fluctuated
4 very materially, not only by seasonal causes but also that
5 there has been considerable change in their water ~~title~~ title
6 from time to time-- between them and the Pomona Company
7 which has some interest in that stream-- and then these
8 tunnels that Mr. Frankish has spoken of, and the stock meas-
9 ured up in regard to that capacity. We may as well get to that.

10 Mr. McKinley: We haven't been taking any time with anything
11 that will not be necessary.

12 The Court: Do not understand that I am desiring to inter-
13 fere with the trial of the case. You all want to get along
14 as fast as we can.

15 Mr. McKinley: We will cover these matters.

16 The Court: From the standpoint of the Court, it is better
17 to deal with ascertained facts than speculations.

18 Mr. McKinley: We will show our acreage and the acreage plant-
19 ed. It has various hearings. It has a hearing on the ques-
20 tion why those parties have been silent so long.

21 Mr. Britt: I will make the suggestion that an accurate un-
22 derstanding by plaintiffs and the Court would be promoted if
23 the defendants could inform us with more frankness and full-
24 ness than they have yet just when they got these additional
25 supplies and the quantities which they obtained from time
26 to time. We think that there must have been in the nature
27 of the ordinary conduct of business, records kept of the
28 various acquisitions of water from the Cucamonga side, the
29 times when they received it from the different sources or

1 wells that they put down, and the tunnels.

2 Mr. McKinley : That is what we have been trying to do for
3 some time.

4 Mr. Britt: Our explorations in that direction were not very
5 successful.

6 Mr. Waters: I will state as an illustration, in the Yucai-
7 pe case, on both sides, we brought the actual figures,--
8 just what the figures were day by day, and got at the exact
9 idea of acreages and fluctuations by days and months in each
10 year, and had it right down to an allspike

11 Mr. Britt: And where the water came from.

12 The Court: We will come to the continents after a while.

13
14 Recess until half past one o'clock.

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THE FIRST PART OF THE HISTORY

OF THE REFORMATION IN ENGLAND

BY JOHN CALVIN

TRANSLATED BY REV. JAMES CALVIN

OF THE UNIVERSITY OF CAMBRIDGE

IN TWO VOLUMES. VOL. I.

LONDON: PRINTED BY J. STURGEON

FOR J. JOHNSON, ST. PAUL'S CHURCH-YARD

1790.

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THE HISTORY OF THE REFORMATION

IN ENGLAND, BY JOHN CALVIN

1 Afternoon Session, 1:30 p. m.

2 A. C. SHEPHERD.

3 H. C. Shepherd, previously sworn, recalled for further cross
4 examination, testified as follows:

5 Cross Examination.

6 Mr. Britt: Q At the time of adjournment on Friday last,
7 you were reading the contract between the San Antonio Water
8 Company and Ontario Power Company and Sierra Power Company
9 and Mr. Werckhoff, the balance of which contract besides
10 what was read by you seems to have been copied into the min-
11 utes of the court kept by the reporter. Now, that agreement
12 contains sundry stipulations on the part of the various parties
13 Do you know whether those stipulations have been carried out?

14 A I believe they have.

15 Q There was a lease made by the Ontario Power Company to
16 the San Antonio Water Company, was there not, of the right to
17 take water from the 90-acre tract, and perhaps other water
18 through the Radie tunnel on the west side of the Red Hill?
19 Was there not such a lease?

20 A No, I don't recall or that to be a lease.

21 Q There was not any such lease?

22 A My impression is that there was no lease or contract be-
23 tween the two companies to carry water through the Radie
24 tunnel.

25 Q I infer from the terms of the answer of the San Antonio
26 Water Company that such a lease was executed. I will be able
27 to refer in a moment to the averments from which I have de-
28 rived that inference. Paragraph 26 of the answer of the
29 San Antonio Water Company contains this allegation:

1 "Defendant further alleges, that upon the purchase of the
2 said tunnel and the waters therein by the said Ontario Power
3 Company other than such waters as belonged to this defendant
4 and the Cucamonga Water Company, the said Ontario Power Com-
5 pany did, in the year 1902, lease of the waters so obtained
6 by it, to the Cucamonga Water Company, about 65 inches of
7 water measured under a 4-inch pressure, and the said water so
8 leased was taken by the said Cucamonga Water Company by means
9 of its said system of water works from the said tunnel, and
10 conducted to the places of use of its stockholders, and de-
11 livered and distributed to them, part of which was used out-
12 side of the limits of the Cucamonga Rancho; and after the
13 year 1902 the said Ontario Power Company leased, and still
14 continues to lease, to this defendant all of the waters of
15 the said tunnel and flowing from the said wells known as wells
16 4 and 14, and defendant has paid therefor the sum of one hund-
17 red dollars per inch per annum for every inch so obtained and
18 used by it; and defendant further says that the amount of wa-
19 ter so taken by it from the said Lady tunnel and the said
20 wells 4 and 14 continuously during the said time, has amounted
21 to 290 inches, of which 130 inches belongs to this defendant
22 under its purchase as aforesaid, and the remainder has been
23 obtained by the defendant from the Ontario Power Company under
24 the lease aforesaid.

[illegible]

1 The averment is that the Ontario Power Company after 1902,
2 leased to the San Antonio Water Company the waters of that
3 tunnel, and I am inquiring about that instrument, the contract
4 of lease. Could you find the autecrity for it in these
5 minutes, or even a copy of it in these minutes?

6 A Yes, sir, I can hunt it up in these minutes. It may take
7 me a little time to do it, but it is there. The price that
8 was set on the amount they should pay per inch for that water
9 was agreed upon some time, several months, after the Water
10 Company got the stock of the Ontario Power Company, and I will
11 have to do a little more hunting. I don't know exactly to
12 locate it.

13 Q All right. I fancy you could find it quicker than any
14 of the rest of us. Any resolution that you find relating to
15 that leasehold, or contract of lease, we would like to have,
16 as well as the instrument itself.

17 A There was not any contract. It was simply a matter of
18 record; that is for the lease of the water -- for the rental
19 of the water.

20 Q It rests merely in the resolution of the Board of Direct-
21 ors?

22 A The resolution of the Board of Directors. If I could be
23 recalled to give that information it would save the court
24 much time as I don't know exactly where to look for it in
25 the records; but I do ~~not~~ know that it is there.

26 Q At the time of that contract of May, 1902, which you
27 read at considerable length the other day, can you tell
28 us who constituted the Board of Directors of the San Antonio
29 Water Company by reference to the minutes?

1 A By reference to the records I can give you those names.

2 Q Yes, just take the books there, if you please.

3 A The Directors consisted of Messrs. .T.Leeke, .J.Elevart,
4 J.T.Lindley, A.P.Harwood and Charles Ruedy.

5 Q Five in number?

6 A Five in number.

7 Q How long had they been directors at that time? A year or
8 two or three?

9 A Well, that board of directors was elected in November,
10 1901.

11 Q Now proceed, if you please, and give us the names of the
12 members of the directory for the next three or four years,
13 say until 1906, of the San Antonio Water Company.

14 A In November, 1902, the following board of directors were
15 elected: .T.Leeke, A.P.Harwood, J.T.Lindley, C.H.Graves,
16 and H.H.Hawkinson.

17 Q The same board as the year before?

18 A Not exactly.

19 Q Hawkinson and Graves were different?

20 A Yes, sir. In November, 1903, the board of directors
21 that were elected was, .T.Leeke, A.P.Harwood, J.T.Lindley,
22 .H.Graves and H.H.Hawkinson.

23 Q The same board as the year before?

24 A The same board, yes, sir. In November, 1904, the board
25 of directors that were elected consisted of C.H.Graves,
26 .T.Leeke, A.P.Harwood, H.H.Jolliffe and J.W.Childs.

27 In 1905, the board of directors elected were: A.P.Harwood,
28 .H.Jolliffe, C.Frankish, .T.Leeke and H.H.Graves.

29 In 1906, the directors consisted of: F.C.Crowell, .T.Leeke,

1 G.R.Graves, L.M.Jolliffe and C. Frankish.

2 Q That will be sufficient for present purposes. Now, you
3 have the minutes of the Board of Directors of the Ontario
4 Power Company. They are here in court, are they not?

5 A Yes, sir.

6 Q Now, can you refer to those and give us the names of the
7 Directors of that Company during the same time?

8 A In 1902.

9 Q At what time?

10 A In May, 1902.

11 Q What day in May?

12 A May 9th.

13 Q Was there an election of Directors?

14 A On May 9th Mr. William G. Kerckhoff tendered his resig-
15 nation as Director and President of the corporation.

16 Q Of the Ontario Power Company?

17 A Of the Ontario Power Company. and Mr. L.S. Byer was ap-
18 pointed a director of the corporation in place of W.G. Kerck-
19 hoff resigned. Otto Weiss tendered his resignation as sec-
20 retary of the corporation. That is only secretary -- and
21 was accepted on motion of George A. Otis, seconded by --

22 Q And who was appointed in his stead? H.C. Shepherd?

23 A H.C. Shepherd was appointed in place of Mr. Weiss resigned.

24 Q You are reading now from the minutes of the Board of Di-
25 rectors of the Ontario Power Company?

26 A Yes, sir. From the minutes of the Board of Directors of
27 the Ontario Power Company. Mr. A.C. Malch tendered his res-
28 ignation, as a Director and Vice President, and Mr. George A.
29 Otis was appointed a Director in place of A.C. Malch resigned.

This has appeared a number of times in the past.

1 Mr. A.H.Chaffey tendered his resignation as a Director,
2 and L.C.Shepherd was appointed as a Director in place of A.H.
3 Chaffey resigned.

4 Mr.H.W.Stowell tendered his resignation as Director, and
5 Mr.R.Manley was appointed a Director in place of H.W.Stowell
6 resigned.

7 Mr. Otto Weiss tendered his resignation as Director, and
8 W.L.Richardson was appointed as a Director in place of Mr.
9 Weiss resigned. I think that covers it all.

10 Q Well, let us know about the personnel of the boards of
11 directors of the Ontario Power Company which succeeded.

12 A October 12th, 1903 the Directors elected were George E.
13 Otis, L.C.Shepherd, R.Manley, W.L.Richardson and L.S.Dyer.

14 Q They served until the next year, did they? That is
15 until the election of 1904? Did they serve for a year un-
16 til the next annual election? Never mind that. Give us the
17 names of those who were elected in 1904.

18 A In 1904, there were elected, October 10th, 1904, L.S.Dyer-
19 er, George E. Otis, R.Manley, J.N.Hartley, and L.C.Shepherd.

20 Q All right. Who were elected in the next election, in
21 1905?

22 A I don't find that there was any annual meeting of the
23 stockholders of the Ontario Power Company in 1905. In 1906
24 on October 6th, there was a meeting of the stockholders of
25 the Ontario Power Company at which they elected four Director
26 L.S.Dyer, R.Manley, L.C.Shepherd, Judge Gregg, and J.N.Hart-
27 ley.

28 Q These five persons named as the Board of Directors who
29 were appointed to serve May 9th, 1902, to-wit, Dyer, Shepherd,

1 Otis, Hanley and Richardson, are the same persons of those
2 names respectively, who are mentioned in the minutes of the
3 Board of Directors, which you read here, the other day of
4 May 8th, 1902, designated to hold each the five shares of
5 stock of the Ontario Power Company, upon the understanding
6 that at the request of the San Antonio Water Company they or
7 either of them would, and each of them would, transfer and
8 assign such stock on receipt of five dollars for each certifi-
9 cate of five shares to the San Antonio Water Company? They
10 are the same five persons of those names?

11 A The same five persons.

12 Q You being one of the five?

13 A Yes, sir.

14 Q And in the next year, 1903, October 12, when Otis, Han-
15 ley, Richardson and Iyer were elected as directors
16 of the Ontario Power Company, they continued at that time to
17 hold the same shares of stock which were mentioned in the
18 resolution of May 8th, 1902, that I have described just now, -
19 There was no change in the ownership of that stock was there?

20 A I think they held the same shares of stock; there was
21 none of it disposed of to my knowledge.

22 Mr. McKinley: He will admit that they still held the same shares
23 of stock right through.

24 Q The next year it seemed that Mr. Richardson dropped out
25 and Mr. Growell was elected in his place: that was in 1904,
26 Mr. Growell came in as the holder, or was qualified, rather,
27 as the holder of the shares which Richardson had previously
28 held?

29 A I could presume so.

Figure 1. The effect of the concentration of the *Agaricus bisporus* spores on the growth of *Agaricus bisporus* on the substrate. The concentration of the spores was 10⁴ spores/g (1), 10⁵ spores/g (2), 10⁶ spores/g (3), 10⁷ spores/g (4), 10⁸ spores/g (5), 10⁹ spores/g (6), 10¹⁰ spores/g (7), 10¹¹ spores/g (8), 10¹² spores/g (9), 10¹³ spores/g (10), 10¹⁴ spores/g (11), 10¹⁵ spores/g (12), 10¹⁶ spores/g (13), 10¹⁷ spores/g (14), 10¹⁸ spores/g (15), 10¹⁹ spores/g (16), 10²⁰ spores/g (17), 10²¹ spores/g (18), 10²² spores/g (19), 10²³ spores/g (20), 10²⁴ spores/g (21), 10²⁵ spores/g (22), 10²⁶ spores/g (23), 10²⁷ spores/g (24), 10²⁸ spores/g (25), 10²⁹ spores/g (26), 10³⁰ spores/g (27), 10³¹ spores/g (28), 10³² spores/g (29), 10³³ spores/g (30), 10³⁴ spores/g (31), 10³⁵ spores/g (32), 10³⁶ spores/g (33), 10³⁷ spores/g (34), 10³⁸ spores/g (35), 10³⁹ spores/g (36), 10⁴⁰ spores/g (37), 10⁴¹ spores/g (38), 10⁴² spores/g (39), 10⁴³ spores/g (40), 10⁴⁴ spores/g (41), 10⁴⁵ spores/g (42), 10⁴⁶ spores/g (43), 10⁴⁷ spores/g (44), 10⁴⁸ spores/g (45), 10⁴⁹ spores/g (46), 10⁵⁰ spores/g (47), 10⁵¹ spores/g (48), 10⁵² spores/g (49), 10⁵³ spores/g (50), 10⁵⁴ spores/g (51), 10⁵⁵ spores/g (52), 10⁵⁶ spores/g (53), 10⁵⁷ spores/g (54), 10⁵⁸ spores/g (55), 10⁵⁹ spores/g (56), 10⁶⁰ spores/g (57), 10⁶¹ spores/g (58), 10⁶² spores/g (59), 10⁶³ spores/g (60), 10⁶⁴ spores/g (61), 10⁶⁵ spores/g (62), 10⁶⁶ spores/g (63), 10⁶⁷ spores/g (64), 10⁶⁸ spores/g (65), 10⁶⁹ spores/g (66), 10⁷⁰ spores/g (67), 10⁷¹ spores/g (68), 10⁷² spores/g (69), 10⁷³ spores/g (70), 10⁷⁴ spores/g (71), 10⁷⁵ spores/g (72), 10⁷⁶ spores/g (73), 10⁷⁷ spores/g (74), 10⁷⁸ spores/g (75), 10⁷⁹ spores/g (76), 10⁸⁰ spores/g (77), 10⁸¹ spores/g (78), 10⁸² spores/g (79), 10⁸³ spores/g (80), 10⁸⁴ spores/g (81), 10⁸⁵ spores/g (82), 10⁸⁶ spores/g (83), 10⁸⁷ spores/g (84), 10⁸⁸ spores/g (85), 10⁸⁹ spores/g (86), 10⁹⁰ spores/g (87), 10⁹¹ spores/g (88), 10⁹² spores/g (89), 10⁹³ spores/g (90), 10⁹⁴ spores/g (91), 10⁹⁵ spores/g (92), 10⁹⁶ spores/g (93), 10⁹⁷ spores/g (94), 10⁹⁸ spores/g (95), 10⁹⁹ spores/g (96), 10¹⁰⁰ spores/g (97), 10¹⁰¹ spores/g (98), 10¹⁰² spores/g (99), 10¹⁰³ spores/g (100), 10¹⁰⁴ spores/g (101), 10¹⁰⁵ spores/g (102), 10¹⁰⁶ spores/g (103), 10¹⁰⁷ spores/g (104), 10¹⁰⁸ spores/g (105), 10¹⁰⁹ spores/g (106), 10¹¹⁰ spores/g (107), 10¹¹¹ spores/g (108), 10¹¹² spores/g (109), 10¹¹³ spores/g (110), 10¹¹⁴ spores/g (111), 10¹¹⁵ spores/g (112), 10¹¹⁶ spores/g (113), 10¹¹⁷ spores/g (114), 10¹¹⁸ spores/g (115), 10¹¹⁹ spores/g (116), 10¹²⁰ spores/g (117), 10¹²¹ spores/g (118), 10¹²² spores/g (119), 10¹²³ spores/g (120), 10¹²⁴ spores/g (121), 10¹²⁵ spores/g (122), 10¹²⁶ spores/g (123), 10¹²⁷ spores/g (124), 10¹²⁸ spores/g (125), 10¹²⁹ spores/g (126), 10¹³⁰ spores/g (127), 10¹³¹ spores/g (128), 10¹³² spores/g (129), 10¹³³ spores/g (130), 10¹³⁴ spores/g (131), 10¹³⁵ spores/g (132), 10¹³⁶ spores/g (133), 10¹³⁷ spores/g (134), 10¹³⁸ spores/g (135), 10¹³⁹ spores/g (136), 10¹⁴⁰ spores/g (137), 10¹⁴¹ spores/g (138), 10¹⁴² spores/g (139), 10¹⁴³ spores/g (140), 10¹⁴⁴ spores/g (141), 10¹⁴⁵ spores/g (142), 10¹⁴⁶ spores/g (143), 10¹⁴⁷ spores/g (144), 10¹⁴⁸ spores/g (145), 10¹⁴⁹ spores/g (146), 10¹⁵⁰ spores/g (147), 10¹⁵¹ spores/g (148), 10¹⁵² spores/g (149), 10¹⁵³ spores/g (150), 10¹⁵⁴ spores/g (151), 10¹⁵⁵ spores/g (152), 10¹⁵⁶ spores/g (153), 10¹⁵⁷ spores/g (154), 10¹⁵⁸ spores/g (155), 10¹⁵⁹ spores/g (156), 10¹⁶⁰ spores/g (157), 10¹⁶¹ spores/g (158), 10¹⁶² spores/g (159), 10¹⁶³ spores/g (160), 10¹⁶⁴ spores/g (161), 10¹⁶⁵ spores/g (162), 10¹⁶⁶ spores/g (163), 10¹⁶⁷ spores/g (164), 10¹⁶⁸ spores/g (165), 10¹⁶⁹ spores/g (166), 10¹⁷⁰ spores/g (167), 10¹⁷¹ spores/g (168), 10¹⁷² spores/g (169), 10¹⁷³ spores/g (170), 10¹⁷⁴ spores/g (171), 10¹⁷⁵ spores/g (172), 10¹⁷⁶ spores/g (173), 10¹⁷⁷ spores/g (174), 10¹⁷⁸ spores/g (175), 10¹⁷⁹ spores/g (176), 10¹⁸⁰ spores/g (177), 10¹⁸¹ spores/g (178), 10¹⁸² spores/g (179), 10¹⁸³ spores/g (180), 10¹⁸⁴ spores/g (181), 10¹⁸⁵ spores/g (182), 10¹⁸⁶ spores/g (183), 10¹⁸⁷ spores/g (184), 10¹⁸⁸ spores/g (185), 10¹⁸⁹ spores/g (186), 10¹⁹⁰ spores/g (187), 10¹⁹¹ spores/g (188), 10¹⁹² spores/g (189), 10¹⁹³ spores/g (190), 10¹⁹⁴ spores/g (191), 10¹⁹⁵ spores/g (192), 10¹⁹⁶ spores/g (193), 10¹⁹⁷ spores/g (194), 10¹⁹⁸ spores/g (195), 10¹⁹⁹ spores/g (196), 10²⁰⁰ spores/g (197), 10²⁰¹ spores/g (198), 10²⁰² spores/g (199), 10²⁰³ spores/g (200), 10²⁰⁴ spores/g (201), 10²⁰⁵ spores/g (202), 10²⁰⁶ spores/g (203), 10²⁰⁷ spores/g (204), 10²⁰⁸ spores/g (205), 10²⁰⁹ spores/g (206), 10²¹⁰ spores/g (207), 10²¹¹ spores/g (208), 10²¹² spores/g (209), 10²¹³ spores/g (210), 10²¹⁴ spores/g (211), 10²¹⁵ spores/g (212), 10²¹⁶

1 I suppose that, as one of the board would know about
2 that if any one would.

3 The stockbook of the corporation I suppose would show ex-
4 actly where the transfer was made.

5 Q You have already stated that at least since, say 2, 1902,
6 that you were the secretary of the San Antonio Water Company?

7 A Yes, sir.

8 Q Was Mr. Richardson at that time a stockholder of the San
9 Antonio Water Company or was he an officer of that company.
10 or was he in its employ?

11 A He was not a stockholder of the San Antonio Water Company
12 but he was in the employ of the Ontario Power Company.

13 Q In what capacity?

14 A As an electrician.

15 Q Had he any employment under the San Antonio Water Company?

16 A None that I know of.

17 Q Then Mr. Robert Conley - that is the gentleman who
18 testified here the other day isn't he?

19 A Yes, sir.

20 Q He was in the employ of the San Antonio Water Company,
21 was he not?

22 A Yes, sir.

23 Q In what capacity?

24 A Superintendent.

25 Q In say, 1902, he then had he been the superintendent
26 at the time he was elected a director of the Ontario Power
27 Company, - for what length of time had he been the superin-
28 tendent under the San Antonio Water Company?

29 A Oh, for many years; probably eight or ten years.

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1 Q Did he also then become Superintendent of the Ontario
2 Power Company?

3 A He did not.

4 Q Has Mr. Linsley ever since that time been in the employ
5 of the San Antonio Water Company?

6 A He has.

7 Q In what capacity? The same?

8 A The same capacity.

9 Q Was L. S. Loyer in the employ of the San Antonio Water
10 Company in May, 1907?

11 A He was not.

12 Q What business was he engaged in then?

13 A He was a rancher.

14 Q How did it happen that he was selected to hold five of
15 these shares of stock?

16 Mr. McKinley: Objected to an calling for the conclusion of
17 the witness.

18 The Court: I think that objection is well taken.

19 Mr. Britt: Exception.

20 Q What relation had he to the San Antonio Water Company as
21 stockholder or officer or creditor or otherwise?

22 A He was a stockholder.

23 Q George M. Otis was the gentleman known as Indigo Otis here
24 was he?

25 A Yes, sir.

26 Q Was he the attorney for the San Antonio Water Company or
27 an attorney for the San Antonio Water Company?

28 On May 3th and May 9th 1907?

29 A He was.

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29. twenty-ninth is the fact that the

30. thirtieth is the fact that the

31. thirty-first is the fact that the

32. thirty-second is the fact that the

33. thirty-third is the fact that the

several years?

A Several years.

Q Did he continue to occupy that same relation afterwards?

A No sir.

Q During the time that he continued to be elected a director of the Ontario Power Company as shown by the minutes of that company I suppose?

A Yes, sir.

Q Probably up until the time of his death?

A Yes, sir.

Q When did Judge Otis die? Do you remember?

Mr. Gregg: I think in June, 1906.

Q When on October 8, 1906, Judge Gregg was elected a director, of the Ontario Power Company, he succeeded I believe Judge Otis?

A I believe so.

Q Had he been attorney for the San Antonio Water Company for many years?

A Yes, sir.

Q The firm of Otis & Gregg for many years had been the counsel and attorneys for the San Antonio Water Company previously to May 8th of 1902, and continued to be for some years thereafter?

A Yes, sir.

Q October 10, 1904, Mr. Crowell was elected a director of the Ontario Power Company: was he then in the employ of the San Antonio Water Company?

A He was working in the office of the San Antonio Water Company and the Ontario Power Company.

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Q In what capacity?

A My impression is that he was treating his salary as a book keeper for the Ontario Power Company.

Q Was he also keeping books for the San Antonio Water Company?

A No was.

Q For what length of time had he occupied that position previous to October 10, 1902?

A I can't remember; probably a year or a year and a half; something of that kind, perhaps two years.

Q Had he kept the books of both companies during that time?

A He was working on the books of both companies.

Q You say he drew his salary from the Ontario Power Company?

A That is my present impression.

Q Now you refer to the stockbooks of the Ontario Power Company and state from whom E. C. Shepherd, E. E. Richardson, H. Stanley, L. E. Iyer, and George E. Utis, respectively, received the transfer of those five shares each of the stock of the Ontario Power Company, on or about May 14th, 1902?

A The five shares that were transferred to George E. Utis were transferred by Otto Weiss; the five shares transferred to E. C. Shepherd were transferred by Otto Weiss; the five shares transferred to Robert Stanley were transferred from E. J. Stowell; there were five shares transferred to L. E. Iyer from A. C. Balch; five shares transferred to E. E. Leslie by A. C. Balch.

Q Have you the date of those transfers?

A May 14th, 1902.

Q What did you pay for the transfer to you of those five

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1 I didn't pay anything.

2 Q The consideration for the transfer of all of those shares
3 was paid by the San Antonio Water Company was it not?

4 A I don't know.

5 Q How did you understand that the consideration was paid
6 for the shares of stock which were transferred to you?

7 Mr McKinley: Objected to as incompetent and calling for his
8 conclusion.

9 The Court: Overruled.

10 A I didn't understand anything about the consideration; we
11 were following out strictly the instructions of our attorney
12 in regard to the matter.

13 Q I suppose Judge Otis?

14 A Judge Otis told us how to do it and we did it in that
15 way.

16 Q Well, the transfer of that stock was all a part of the
17 arrangement under which the San Antonio Water Company took
18 over the balance of the stock wasn't it?

19 A That is the way I understood it.

20 Q Now, in the resolution, or one of the resolutions passed
21 by the Board of Directors of the San Antonio Water Company
22 on May 8th 1907, was one expressive of the sense of that
23 board that Mr. E. T. Lewis should be appointed General Man-
24 ager of the Ontario Power Company for the term of five years
25 and so forth, and that a contract should be entered into
26 with him: was there any resolution, - you being a member of
27 the board of Directors of the Ontario Power Company, - was there
28 any resolution of that company passed in pursuance of that
29 previous resolution of the San Antonio Water Company, pre-

of the city of London, from the first settlement of the
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1 viding for a contract with Mr. Leake?

2 A I will have to look at the minutes.

3 Q Yes.

4 A (Witness examines minutes) In the minutes of the Ontario
5 Power Company dated May 9, 1903, -

6 Q Let us look at that entry. Read that portion of the
7 minutes of the board of directors of the Ontario Power
8 Company to which your attention is directed.

9 A On motion of George E. Otis, Mr. W. E. Leake was appoin-
10 ted as general manager of this corporation for the term of
11 five years from this date.

12 Q Will you read what appears in the minute book of the
13 Ontario Power Company from which you have just now read
14 this resolution concerning the employment of Mr. Leake, the
15 resolution or consent of the stockholders of the Ontario
16 Power Company, concerning the change of the place of business
17 of that corporation?

18 A The following consent to change the place of business of
19 this company was filed: We, the undersigned stockholders of
20 the Ontario Power Company, a corporation organized and doing
21 business under the laws of the State of California, and
22 being the holders of all the capital stock of said corpora-
23 tion, hereby consent to the change of the principal place
24 of business of said corporation from the City of Los Angeles
25 County of Los Angeles, State of California, to Ontario Colony
26 in the County of San Bernardino, State of California. In
27 witness whereof we have hereunto this - (it was type-written
28 9th and there are some marks over it and it might be the
29 9th 11th or it might be the 11th)- -

1 r. McKinley: We will stipulate it was either.

2 A (Continuing) - - day of May, 1902, subscribed our names
3 respectively, reciting the amount of stock in said corpora-
4 tion by us respectively this day owned.

5 Members	No of shares	Amount.
6 George E. Otis	5	500
7 W. T. Lecke	4975	
8 B. C. Shepherd	5	
9 K. Hanley	5	
10 H. J. Richardson	5	
11 L. E. Dyer	5	

12 Q There seems to be a resolution concerning the change of
13 the place of business adopted by the board of directors also.

14 A The following resolution was adopted by unanimous motion:
15 Whereas, upwards of two thirds of the owners and holders of
16 the Capital Stock of the Ontario Power Company have this day
17 signed a consent in writing to a change of the principal
18 place of business of this corporation from Los Angeles, County
19 of Los Angeles, State of California, where it is at present
20 located, to Ontario Colony, County of San Bernardino, State
21 of California,- now, therefore, be it resolved that the
22 secretary of this corporation forthwith give notice accordin-
23 to law of said proposed change by publishing notice of the
24 same at least once a week for a period of three successive
25 weeks in the Los Angeles Daily Journal, a newspaper pub-
26 lished and printed in the City of Los Angeles.

27 Q Now, you have there also the form of contract between
28 Mr. Lecke and the Ontario Power Company have you not?

29 A Yes, sir.

1 Is that the form of contract that was entered into between
2 them?

3 A I believe it is.

4 Q Just read it.

5 On motion of C. L. Otis, seconded by E. C. Shepherd, the
6 president and secretary were authorized to execute an agree-
7 ment with W. T. Leake as follows: This memorandum of agree-
8 ment made this 12th day of May, 1902, by and between the
9 Ontario Power Company, a corporation, organized, existing,
10 and doing business under the laws of the State of Califor-
11 nia, party of the first part, and W. T. Leake of Ontario,
12 County of San Bernardino, State of California, party of the
13 second part, witnesseth: First: Pursuant to a resolution
14 passed by the board of directors by the party of the first
15 part on this 12th day of May, 1902, which said resolution is
16 hereby expressly referred to and made a part hereof, party of
17 the first part hereby employs party of the second part to
18 act as its general manager for the term of five years from
19 the date hereof, at an annual salary of two thousand dollars
20 for each and every year of said term; said salary to be
21 payable monthly; and the party of the first part hereby
22 expressly authorizes party of the second part to manage,
23 control oversee and conduct all its business of whatever
24 kind, nature or description that same may consist of, in the
25 interest of said corporation, according to his best judgment
26 and discretion. Second: Party of the second part hereby
27 accepts said employment as general manager for the purposes
28 and at the salary hereinbefore specified and set forth. In
29 witness whereof party of the second part has subscribed these

1 presents and party of the first part has by the hand of its
2 president first thereto duly authorized, subscribed the name
3 of said corporation hereto, and by the hand of its secretary
4 has hereto affixed its corporate seal the day and year
5 first above written. Ontario Power Company, By

6 President Secretary.

7 Q That contract authorized by this resolution of the board
8 of directors was actually entered into was it between the
9 company and Mr. Leeke?

10 A It was.

11 Q And did Mr. Leeke enter upon the discharge of his duties
12 as manager in pursuance of that contract of the affairs of
13 the Ontario Power Company?

14 A He did.

15 Q And did he continue to discharge such duties and to act
16 in that capacity for the period of five years mentioned
17 there?

18 A He did.

19 Q And probably does yet continue in that capacity?

20 A It was continued after the five years.

21 Q Before that time the place of business of this Ontario
22 Power Company had been in Los Angeles had it not?

23 A Yes, sir.

24 Q After the adoption of those resolutions of the board of
25 directors on May 12 1902, and the consent of the holders of
26 all the stock given, as stated there, was the place of business
27 of the Ontario Power Company moved to Ontario, - its office
28 and principal place of business?

29 A Yes, sir; it was moved; we went through the necessary

proceedings and the place of business was moved to Ontario.

Q And its office was the office of the San Antonio Water Company from that time forward?

A The office of both companies in the same building.

Q Which company owns the building?

A The San Antonio Water Company.

Q And has owned it all the time since a time previous to May 8, 1902?

A It has.

Q Now, Mr. Shepherd, you stated the other day as among the reasons why the San Antonio Water Company acquired the stock of the Ontario Power Company, and entered into these arrangements of a somewhat intimate nature, to say the least, between the two companies, was the circumstance that the San Antonio Water Company understood that a contract had been made between the Ontario Power Company and McConnell, for running a tunnel north from the Radie tunnel, or I believe an extension from that tunnel, up into the country north of 16th Street or the Base Line: Do I correctly state the substance of what you said in that regard?

A I think so; that seems about the substance of it; that was my understanding.

Q After the stock was acquired by the San Antonio Water Company that tunnel - those developments in contemplation by the Ontario Power Company - were not constructed were they?

A No, they were not.

Q Did the San Antonio Water Company take any measures to inform itself, to obtain accurate information about the consequences which would follow or might follow if that tunnel

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1 were extended up into the neighborhood of the 16th street
2 wells, did the board of directors go on to the land, Mr. Lecke
3 yourself or others, and inspect the situation, for one thing,
4 was that done?

5 A I don't think they did at that time.

6 Q Did any of them to your knowledge?

7 A Not that I remember at that time.

8 Q Did they employ any engineer, hydraulic engineer, to ad-
9 vise them upon that subject?

10 A I don't think they did.

11 Q Do you remember for what reason the board of directors
12 entertained the apprehension that an extension of the tunnel
13 up north of the Base Line and into the vicinity of the San
14 Antonio Water Company's wells would or might affect them de-
15 trimentally?

16 Mr. McKinley: Objected to as calling for the conclusion of
17 this witness as to the conclusion of somebody else

18 Mr. Britt: This witness was a member of the board.

19 Mr. McKinley: No he was not; that was an error; he said so
20 once but he corrected it.

21 Mr. Britt: Yes, that is so. Mr. Shepherd was an officer of
22 the company. In the answer of the San Antonio Water Company
23 in the case it is stated as follows: (Mr. Britt reads from
24 pleading, beginning with "Defendant further alleges that in
25 the year 1901 and in the early part of 1902, the defendant
26 the Ontario Power Company a corporation duly incorporated
27 under the laws of the state of California and then owning
28 certain water bearing lands" etc - ending with - "ac-
29 quired the capital stock of the Ontario Power Company".

The Ontario Power Generation Corporation (OPG) is a Crown-owned utility company that operates the largest nuclear generating station in the world, the Darlington Nuclear Generating Station. OPG is also responsible for the operation and maintenance of the Ontario Hydroelectric Generating Stations. The company's revenue is derived from the sale of electricity and the provision of ancillary services.

1 In view of the statement in the answer that it was for
2 the purpose of protecting the water rights of ~~the~~ the San
3 Antonio Water Company in those wells, that it acquired the
4 capital stock of the Ontario Power Company, I inquire of you,
5 you being an officer of the company at that time and secre-
6 tary, as to the manner in which it was supposed or believed
7 or contemplated by yourself and other officers of the com-
8 pany to your knowledge, that the acquisition of this stock of
9 the Ontario Power Company would protect the water rights of
10 the San Antonio Water Company in the said wells, or tend to
11 afford such protection?

12 Mr. McKinley: Objected to on the ground that it is calling
13 for a conclusion, and for an expert opinion from this witness
14 without the proper foundation having been laid, and that it
15 is not proper cross examination.

16 The Court: Objection overruled; of course he can only speak
17 from his own knowledge as to what the other officers did.

18 Mr. McKinley: Exception.

19 A The Ontario Power Company owned the land, the property,
20 south of the lands of the San Antonio Water Company; it
21 owned all the property on the west of the property of the San
22 Antonio Water Company, and owned all the property on the
23 north of the property of the San Antonio Water Company, and
24 the running of a tunnel almost completely surrounding the
25 holdings of the San Antonio Water Company, and those holdings
26 being very small, it was thought that if all of that property
27 surrounding the property of the San Antonio Water Company
28 could be obtained by the San Antonio Water Company that it
29 certainly would be a protection to their water rights.

1 The Court, Q. You say it was thought: Was there a discussion
2 of that question among the officers and directors of the
3 company?

4 A. Oh, it was discussed in a way, in a general way; I can't
5 give the details of it; but the circumstances showed up to
6 the board of directors that they were absolutely surrounded
7 by the property of the Ontario Power Company, and that they
8 were threatening to drain all of the wells and property of
9 the San Antonio Water Company, and it was thought to be an
10 effort to take the waters of the San Antonio Water Company
11 and divert them and sell them over again to the San Antonio
12 Water Company.

13 Q. In so far as your answer purports to state what the
14 other officers and directors may have thought, do you base
15 your statement on what the other officers and directors said
16 in regard to the matter, or is that merely your inference?

17 A. I just base my statement on the general conversation
18 that it would be a - that the other board of directors did
19 discuss this matter, that it would be a protection to the
20 water rights of the San Antonio Water Company to obtain all of
21 that surrounding property amounting to about 1200 acres,
22 which absolutely and almost surrounded the property of the
23 San Antonio Water Company.

24 Q. It was discussed then by the directors?

25 A. It was; it was talked of by the directors.

26 Mr. Britt. Q. Had they before them any report from any
27 expert or experts on the question?

28 A. Not to my knowledge.

29 Q. Was there also any subject of discussion - was it a

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1 subject of discussion among the officers of the company
2 including yourself, as to the control that would be exercised
3 by the San Antonio Water Company of that land, in case it
4 should acquire that stock?

5 A I can't remember of any particular discussion on the
6 lines of the question that you ask.

7 Q During what length of time was this acquisition of the
8 stock of the Ontario Power Company by the San Antonio Water
9 Company under consideration by you officers, the officers of
10 the San Antonio Water Company before the consummation of the
11 deal?

12 A About a month or six weeks; something like that; I can't
13 remember.

14 Q Who conducted the negotiations on behalf of the San
15 Antonio Water Company?

16 A The board of directors and Judge Otis and Judge Gregg.

17 Q Do you mean they were all assembled whenever the matter
18 was discussed at all with representatives of the Ontario
19 Power Company, or was there no deputing of the fixing up of
20 that business, that contract, to Mr. Leeke or Judge Otis
21 or some other representative of your company?

22 A No, it was done by the board of directors as a whole and
23 Judge Otis and Judge Gregg.

24 Q Who represented the Ontario Power Company in negotiating
25 the deal?

26 A Mr. Kerckhoff and Mr. Chaffey and Mr. K. F. Stowell and
27 Mr. A. C. Blach.

28 Q Practically their whole board of directors?

29 A Yes, sir; and they had their attorneys present from time

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1 to time.

2 Q That board of directors consisted of five members only
3 didn't it?

4 A Yes, sir; at least that is what I understand.

5 Q The other day you had a memorandum here, which purported
6 to contain various items of expenditure made from time to
7 time by the San Antonio Water Company for survey improvements
8 which did not show dates I think except in one instance:
9 instance: have you been able during that time to inform your-
10 self further on the subject of those expenditures and the date
11 when they were made?

12 A If you mean the dates that we looked over in the stock
13 ledger - -

14 Q I don't speak of stock books; I was speaking of this type-
15 written memorandum which you exhibited here I think on Friday
16 morning, but we thought it was somewhat short in the matter of
17 dates when the expenditures were made and you were going to
18 examine your books further to get the dates when the several
19 amounts were paid out for the purposes named in the memoran-
20 dum and I inquire of you whether you have been able to do
21 that?

22 A I have hunted up the estimates that were paid for the
23 drilling of the six or seven wells on 16th street; I have
24 not gone further into the matter for the reason that there is
25 such an enormous amount of detail that I would have to bring
26 thousands of vouchers down here to show it, but I have here
27 today the bills for the drilling of the wells.

28 Q Well, probably we will take those while we can get them,
29 but I will state for your information we don't care anything

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about the small dust of the balance; we are after the larger items, some accumulation of them, and the times when they were paid; that is much more important to us than to have the exact amounts; we care very little about the exact amounts.

Q Well, probably you can tell us at what time your company paid for deepening the Marshall well?

A Yes, sir; by referring to the account.

Q Yes, and the amount.

A On December 18th, I have a voucher here dated December 19th, 1879, in which we paid A. F. Halstrom \$1501.40, for deepening a well on the Marshall property.

Q Well, which one was that? That was the Marshall well so I was told?

A That is right.

Q Well, are you able to say the time when he was engaged in that work? Does your memorandum, your voucher, specify the time?

A The time that he was engaged in the work?

Q Yes, ^{you said} in December, 1879; that amount of money; how long time did that cover?

A Well, I don't know how long he was drilling the well; probably a month or six weeks, probably two months.

Q The memorandum doesn't show?

A It doesn't show.

Q Was there anything paid subsequent to that time for deepening the Marshall well?

A The deepening of the well was paid for, previous to this time.

Q That time was that paid for? I think if you had found

1 A On, just a month or two months previous to this;
2 one work succeeded the other.

3 Q That would be about October, 1899?

4 A Oh I should think so.

5 Q Now, the other Haskell well, have you a voucher there
6 showing when that was paid for?

7 A I have a voucher here dated October 15, 1900, in which
8 we paid to Beck Brothers for sinking Well No. 2 at the
9 Haskell property \$400.00.

10 Q Was anything paid for the sinking of that same well later
11 than that?

12 A I think not.

13 Q There were only two wells of your company at the Has-
14 kell property? That is true isn't it?

15 A That is all; this work was for 22 - this was for the
16 work only and not for the material that was used.

17 Q Does the voucher there specify the depth?

18 A No. 2 well - shows it to be about -- shows it to be 314
19 feet.

20 Q Have you a voucher there for any work done by your
21 company on the Rubio well?

22 A No, we have not.

23 Q Your company placed an engine there to pump that well at
24 one time did it not?

25 A That well was pumped by the San Antonio Water Company or
26 by Mr. Lecke; the San Antonio Water Company paid for it, but
27 whether the water was turned into the pipes of the San An-
28 tonio Water Company, or only used on the property to irrigate
29 the trees I am not certain about; I think it was only pumped

1 to irrigate the trees that were on the property.

2 Q Will your vouchers show the times when that well was
3 pumped by the San Antonio Water Company?

4 A I could hunt it up in the office.

5 Q Haven't you got it here?

6 A I have not got it here.

7 Q Now, what do your vouchers show on the subject of work on
8 the well next west number 6? Number 6 is the Rubio well
9 isn't it; it is marked here number 5; I think that is the
10 Rubio well?

11 A Yes, sir; I think that is the Rubio well.

12 Q That is your impression?

13 A Yes, sir.

14 Q Proceeding westerly the next well is number 5; what
15 do your books of expense show touching the payments made
16 for that well and when they were made?

17 A I have a voucher, April 25, 1902, payable to Beck Bro-
18 thers for drilling well No. 5, 16th street; I don't know
19 whether this is the same five that would be on the exhibit
20 or not.

21 Q I think so, the numbering commencing at the west; we
22 have understood it to be your notation that appears here
23 on the chart, map or exhibit, the same as those by which the
24 wells are known by the San Antonio Water Company.

25 A The amount of that voucher is \$130.00.

26 Q What is the date?

27 A April 25, 1902.

28 During what time was the drilling going on?

29 A I don't know; it is so stated.

Q Is there anything there to show approximately between what dates?

A No, not a thing.

Q Do you know about how much time was occupied in drilling the well before payment was made?

A I think some of those wells were drilling about three or four weeks; I think other ones took two to three months.

Q Well, proceed to the next well number 4?

A I have a voucher here dated December 4th, 1901, payable to Beck Brothers for drilling the well number 4 at 16th street and the amount of the voucher is \$1524.20

Q Does it show the depth?

A 737 feet.

Q I think I didn't ask you if your voucher showed the depth of well No. 5?

A 646 feet no. 5.

Q This last one number 4, was how long in process of drilling?

A I don't know, any of those.

Q Well number 5, probably you have more items on that as it seems to have been sunk by degrees.

A I have a voucher dated August 29th, 1901, payable to Beck Brothers for drilling well number 3 at 16th street \$1534.75

Q State the depth?

A 736 feet.

Q Is that all that it shows in that connection? Does it show anything about the time occupied?

A It doesn't show anything about the time.

Q Does it show anything about the number of feet this pay-

1. The first thing I noticed when I stepped out of the plane was the fresh air.

2. It felt like I had been in a bubble for the last few days.

3. The sun was shining brightly, and the birds were singing.

4. I took a deep breath and felt a sense of peace.

5. The view from the plane was absolutely stunning.

6. I had never seen anything like this before.

7. The clouds were so low, it felt like I was flying over them.

8. The pilot was a friendly man, and he made the flight so comfortable.

9. I was so relaxed, I almost fell asleep.

10. The flight was so short, it felt like I had just stepped out of the plane.

11. I was so happy, I felt like I had won the lottery.

12. The flight was so good, I was going to fly again.

13. I was so lucky, I had found the perfect flight.

14. The flight was so great, I was going to fly again.

15. I was so happy, I felt like I had won the lottery.

16. The flight was so good, I was going to fly again.

17. I was so lucky, I had found the perfect flight.

18. The flight was so great, I was going to fly again.

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20. The flight was so good, I was going to fly again.

21. I was so lucky, I had found the perfect flight.

22. The flight was so great, I was going to fly again.

23. I was so happy, I felt like I had won the lottery.

24. The flight was so good, I was going to fly again.

25. I was so lucky, I had found the perfect flight.

26. The flight was so great, I was going to fly again.

27. I was so happy, I felt like I had won the lottery.

28. The flight was so good, I was going to fly again.

1 ment was intended to cover? The whole depth of 700 feet
2 plus or less than that?
3 A We paid for just 700 feet.
4 Q And you paid for it all at that time?
5 A We made partial payments previous to that time; on May
6 20th - -
7 Q What year? Give the dates of all the payments made.
8 A 1901, May 20th, \$200.
9 Q Does that show for how many feet?
10 A It does not; it is simply an advance payment.
11 Q Payment on account.
12 A Cash on account.
13 Q Of what? Well number 2?
14 A I couldn't like to say without hunting up voucher number
15 4046.
16 Q All right; proceed.
17 A July 2nd, 1901, there was cash on account, voucher number
18 4109, \$200. On August 25th, the same date as this voucher,
19 we charged them with fuel oil, \$194.90; the fuel oil charged
20 is the amount used between April first and August 25th, 1901.
21 Q By Beck and Company?
22 A By Beck and Company.
23 Q Proceed; give us all of these items.
24 A It may be quite possible that that particular well occupied
25 from April to August in drilling.
26 Q In 1901?
27 A In 1901; I know that some of these wells took a long time
28 to drill. I have a voucher here dated November 10, 1900
29 payable to Beck Brothers drilling the well number 2 on the

1 16th street property, \$1271.40; depth of well 624 feet; we
2 charged up Beck Brothers at that time with fuel oil amounting
3 to \$594.86.

4 Q You mean you received credit on the amount of the total
5 charge for that much oil?

6 A Yes, sir.

7 Q Their total charge was how much?

8 A \$1271.40; we charged them up with \$594.86 worth of oil.

9 Q And the balance was paid in cash or its equivalent?

10 A Yes, sir.

11 Q Does the memorandum show what length of time was occupied
12 in the drilling of that well?

13 A It does not.

14 Q This was well number 2?

15 A Well number 2 according to the voucher.

16 Q What do the vouchers or books show concerning well number 1

17 A I have a voucher here dated May 14, 1900, payable to Beck
18 Brothers, for drilling the 16th street well, 640 feet,
19 total amount of bill \$1329; depth paid for 640 feet; that I
20 believe is well number 3 that is on the map here; and I might
21 also say that I think that the numbers on all of these
22 vouchers do not correspond to the numbers on the map, none
23 of them.

24 Q Our understanding is that the map shows the numbers of
25 the wells as placed by your company, but your company may
26 have changed its notation from time to time. Have you any
27 vouchers there for any other wells, particularly on the
28 16th street property besides those you have named?

29 A I have not.

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1 Q You don't know of any other wells of your company on
2 the 16th street property?

3 A I don't know of any others.

4 The San Antonio Water Company, if I remember right, call-
5 ed what is well number 3 on the map, well number 1, at the
6 time they were drilling it, and I think all of these numbers
7 after that correspond to the well that was drilled, first
8 well, second well, third well, fourth well and fifth well;
9 but they are probably not in the same notation as they have
10 the wells numbered on these exhibits.

11 A Well, let us recur for a moment to this well number 1 as
12 marked in your voucher again; that is noted as some 640
13 feet deep isn't it, the number 1, the one which you think is
14 number 3 on the exhibit 1?

15 A That is the only voucher that I have in which the well
16 is not numbered, and this particular well is not numbered on
17 the voucher; it says drilling 16th street well, but I am
18 quite satisfied that it is well number 3 as located on the
19 Exhibit.

20 Q What is the depth again?

21 A 640 feet.

22 Q Now, have you any memorandum or voucher or entry in your
23 books showing any payment previously made for drilling in
24 that well?

25 A I don't think we did any drilling in that well previous
26 to that date; we may have done other work in the way of
27 deepening, or repairing, or timbering, but I am quite satisfied
28 that we didn't do any drilling before that time.

29 Q If you have any voucher for deepening or repairing or

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1 deepening or repairing that well I would be glad to have it.

2 Q on this with reference to the pipe line from the 10th
3 street wells by means of which the water is conducted to the
4 Ontario Colony, have you vouchers there showing when you
5 first began to make pipe lines, or to make payments for the
6 construction of that pipe line and the amounts, and thence
7 forward until the present time or any until March 1, 1904?

8 A No, I haven't got those vouchers here; the vouchers
9 for money paid on pipe lines are not arranged according to
10 the sections where laid; when we lay a pipe line it is sim-
11 ply charged to pipe lines and it may be in any part of the
12 colony, so I would have to through all these vouchers and
13 pick out the right ones which were on the 10th street prop-
14 erty, and I can pick them out if necessary.

15 Q Well it is desirable and possibly you had better make a
16 note of it, to have the history of the present pipe line
17 leading from the 10th street wells to Ontario Colony, when
18 it was constructed and the amounts of the payments made.

19 A Now, you showed us the other day some items of expendi-
20 ture by the Ontario Power Company for some wells or a well
21 number 14 also toward the end of the year 1900, and you
22 said something about a syphon that had been inserted in that
23 well previously. Is that syphon and the expense of installin-
24 g it the subject of any entries in your books?

25 A Yes, sir. I have also found some additional vouchers
26 that I have here today that were not here the other day,
27 in regard to that matter.

28 Q Let us look at those if you please. You have with you
29 some vouchers of payments made by your company, the San

1 Antonio Water Company for work on the Stowell well. The
2 Stowell well is what you call number 4 in it, on the San An-
3 tonio Water Company's accounts it is known as number 4?
4 A No, the Stowell well I think is what is known as 14.

5 Mr. McKinley, is 14 is the Ontario Power Company?

6 A Yes, sir; Ontario Power Company vouchers.

7 Mr. Britt, is it is the Antonio Water Company's bill or form
8 of voucher, isn't it?

9 A Yes, sir; but it is the Ontario Power Company; this is
10 all Ontario Power Company's accounts.

11 Now, well, I got the impression that it was the Antonio Water
12 Company's dealings with the Stowell well or number 4; the
13 well called number 4 in the notation there; I don't desire to
14 go into this matter at present.

15 Now, I have asked you about this lease from one company
16 to the other and I understand you to say you are not prepared
17 to go on further now with this lease for information.

18 A No, I couldn't give any accurate statement.

19 Q The vouchers you have given here show the expense of
20 the both water wells in building this what you have been
21 requested to furnish, and these two bills and these the amount
22 spent, and it is desirable you should give us the information
23 about the expense of other water developments there in the
24 wells in the same manner, and in the tunnel, but until we
25 get that and until the witness has the opportunity to obtain
26 the other information which has been requested here that
27 he should obtain, including this lease from the Ontario Power
28 Company to the San Antonio Water Company, I think I shall
29 have to forego further cross examination.

Mr. Haskell, I refer you again to the time when you examined well number 14 at the head of the Ladic tunnel, as I understand it Mr. Stowell was there present and that well was being pumped on a test, and as I understand it you have already testified at that time the pump was pumping 200 inches of water or about that: what kind of a pump was in operation there at that time?

A I think it was a centrifugal pump.

Q And it had a suction on it?

A I don't know; I only saw the water coming out on the surface of the ground.

Q Those centrifugal pumps operate by suction of some kind do they not?

A Yes, sir.

Q And the water by that pump was being thrown to the surface of the ground?

A Yes, sir.

REPLET EXAMINATION.

Mr. McKinley: Can you state the bonded indebtedness of the San Antonio Water Company on the bonds secured by the mortgage or by the trust deed.

Mr. Waters: We object to that as incompetent and not the best evidence.

Mr. McKinley: I am merely seeking to get the amount they still owe on the bonds; I simply want the amount.

Mr. Britt: We object on the further ground that it is irrelevant.

Mr. McKinley: That is Mr. Elliott that is defending now.
The Court. Overruled.

Mr. Britt: Exception.

A I think I can show the amount of the indebtedness by the company's ledger which I have here.

Q Well, take the book and show it.

A The San Antonio Water Company's ledger on page 13 shows bonds payable. First mortgage, the balance due on November first, 1906, about \$111,000.

Mr. Britt: That would show or balance indebtedness?

A Balance outstanding.

Q Have you that ledger down later?

A I didn't know there was a new ledger; that account has been transferred to a new ledger and I have not brought that other new ledger down here; I can bring that here, but I can tell offhand what has been paid since that time.

Q You can tell what has been paid since that time?

A I think I can tell exactly. I think \$31,000 paid since that time; \$25,000 in 1907 and \$28,000 in 1908.

Mr. McKinley: Is the San Antonio Water Company any other indebtedness?

Mr. Britt: Objected to as irrelevant.

The Court: Overruled.

Mr. Britt: Exception.

A Yes, it has other outstanding indebtedness.

Q How much is it? (question withdrawn.)

Q Is there a second class of trust held by Mr. Elliott?

A No; the second class of trust is held by the Los Angeles Trust Company.

Q Now, with reference to the California Power Company, what

is the amount of the bonded indebtedness of the California Power

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Company?

A The ledger of the San Antonio Power Company at page 16, shows outstanding bonds amounting to \$367,000, November first, 1908.

Q With regard to expenditures, were the amounts specified in the contracts between the Guadalupe Fruit Land Company and W. W. Stowell and the San Antonio Water Company paid by the San Antonio Water Company?

A They were.

Q At what time?

A There was about \$50,000 paid in August, 1899; I don't remember the dates of the others but I can trace it on the books of the company.

Q Mr. Britt, what was the \$50,000 paid for?

A That was for one-half or fifty inches of water purchased from the Guadalupe Fruit Land Company, and thirty inches of water purchased from W. W. Stowell.

Q This \$50,000 was paid to both of them, to the Guadalupe Fruit Land Company and to Stowell?

A It was in August that the total amount was delivered to W. W. Stowell; but it was delivered from escrow; the \$367,000 in bonds had been placed in escrow I think in April, 1899 and it was in August that this escrow was delivered to W. W. Stowell; the total amount was delivered individually to W. W. Stowell.

Q The Court, you used the expression one-half in connection with something.

A The San Antonio Water Company purchased 100 inches of water from the Guadalupe Fruit Land Company and this payment

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1 of \$80,000 was \$50,000 for one half of the water purchased
2 from the Fruit Land Company, and \$30,000 for the total thirty
3 inches purchased from Stowell; they were both purchased at
4 the same time.

5 Q Mr Briest, the payment was made in bonds or cash?

6 A Bonds.

7 Q Bonds of the San Antonio Water Company?

8 A Bonds of the San Antonio Water Company.

9 -0-

10 W. T. LEEKE

11 W. T. Leeke, previously sworn, being recalled by
12 defendants testified as follows:

13 DIRECT EXAMINATION.

14 Q Mr Mc Kinley A contract has been introduced here be-
15 tween A. L. McConnell I think it is and the San Antonio Wa-
16 ter Company, dated in April 1902 - Will you state what was
17 done in the way of carrying out that contract?

18 A There was some work done on that contract, under that
19 contract, before I became manager of the company but very
20 shortly after I became manager I went over to work with Mr
21 Mc Connell and the conditions were such that we both conclu-
22 ded that it would be very difficult to carry out that con-
23 tract and the contract by mutual agreement was laid aside
24 and the work proceeded under different arrangements.

25 Q When did it proceed?

26 A At once.

27 Q Will you just describe what was done and when it was
28 done?

29 A The first gallery was pressed to completion and the

•

1 water allowed to run in from the upper waters of the wells
2 through the gallery to the shaft over Radie tunnel, about 80
3 feet west, and a syphon was immediately placed or very
4 soon placed in the gallery and a large amount of water
5 turned through the syphon from the well and made to flow or
6 drop down the shaft about 80 feet to the west, dropping into
7 a tunnel.

8 Q How much water was taken out in that way and put into the
9 tunnel?

10 A I should judge about something over 150 inches, running
11 through that gallery, and when the syphon was put in it was
12 materially increased; to what extent I can't say.

13 Q Now, with regard to the work of McConnell, is this the
14 work that he did at that time?

15 A Yes, he completed the placing of the syphon, and the pump
16 and motor and machinery for pumping was taken away.

17 Q Do the vouchers come under your supervision so they
18 would refresh your recollection, so you would be able to ex-
19 plain them, do you pass upon them or examine them before
20 they are passed?

21 A Yes, sir; that work was done under my supervision.

22 Q I show you a voucher of June 7, 1902, with a bill
23 attached; will you state whether you examined that voucher
24 and approved it, and if you know what it refers to?

25 A This is a voucher for work done by Mr. McConnell's men,
26 after we had practically laid aside the contract in which he
27 charged for the labor for the men, and 15 percent above that
28 for his supervision and general skill in conducting the work.

29 Q What work was it that was done there that that fixes the

1 date of?

2 A This was work in connecting the upper gallery, the first
3 gallery with the Stowell well or well number 9 or 14, with
4 the shaft about 80 feet to the west of number 9, which
5 shaft was connected with the Eddie tunnel.

6 Q Number 9 and 14 are the same thing?

7 A Yes, sir.

8 Q Did the work that is shown by that bill complete the con-
9 nection so that the water was carried in there?

10 A That completed the connection; yes, sir.

11 Q What is the work represented by the next voucher?

12 A July first, 1902, the voucher is headed Contract for
13 putting in siphon, sinking shaft, putting in cement pipe and
14 back filling, making concrete box in tunnel, setting weir
15 and so forth, \$700.00. The term contract there refers to a
16 verbal contract or agreement between myself and Mr McConnell.

17 Q That work was in fixing up that connection?

18 A Yes, sir; placing the siphon in to which I have already
19 referred; and putting in of cement pipe and back filling the
20 same was not directly connected with this tunnel extension,
21 but had reference to the work down immediately north of the
22 90-acre tract where we had a weir for measuring; he put in a
23 concrete box there for measurement and set the weir and so
24 forth.

25 Q That is the weir that measured all of the water that came
26 on to the 90-acre tract?

27 A Yes, sir.

28 Q Now, passing on to the next one, give the date of it
29 and state what it refers to, not from the paper, but examining

Q This was said in connection with the other matter, the first
gallery with the Howell well or well number 2 on 14-11-11
the well being the first on the west of road 7, where
there was connection with the other well.
Q Indeed I saw it was the same thing.
A Yes, sir.

Q Did the well that is shown by this will supply the water
needed at that time when you arrived in 1907?
A That would be the connection; yes, sir.
Q That is the only connection by the well number 2
a July first, 1907, the water in the well number 2
being in a high, rising well, putting in water from the
back filling, making number 2 in a well, putting water
and so forth, 1907-08. The fact is that there is no
verbal contract or agreement between you and the other well.

Q That was the only connection.
A Yes, sir; placing the water in the well I saw always
retained; and putting in at least 1000 and some filling the
well was not directly connected with the other well.
But had reference to the fact that immediately after the
1907-08 season when we saw the water, we put in a
connection for water for number 2 and the well was
1907-08.

Q That is the only thing suggested all of the water that was
on to the 1907-08 season.
A Yes, sir.
Q Now, putting in the water, like the water at 14-11-11
and also what is shown to, and from the water, the connection

the paper and stating from your own knowledge of the work?

A September 5th, 1902, work for the month of August, Stowell well, shaft, 23 feet at \$6.25 a foot, \$143.75; drift 50 feet at \$6 a foot, \$300; Total \$443.75.

Q What was that drift?

A This drift was a second drift or gallery under the first, and the sinking of the shaft was as the water receded from the flowing of this siphon lowered; it lowered to the extent that another drift or gallery could be constructed under the first drift or gallery, and this is a part of that work, both sinking the shaft deeper and sinking the drift.

Q Well, pass to the next voucher?

A October first 1902, Ontario Power Company to McConnell, debtor, Stowell well, drift, 46 feet at \$8.50, \$391; shaft 16 feet at \$6.25, \$100; changing siphon \$100; total \$591.

Q What do those items refer to?

A They refer to the completion of the second gallery and the sinking of a shaft to that gallery and the changing of the siphon from the first gallery to the second one below, the one just completed as indicated by this bill.

Q State whether the siphon had been operating up to that time?

A The siphon had been operating up to the time of change continuously and the changing of the siphon was done very expeditiously; it had to be; it was a matter of rapid work in order to prevent flooding the tunnel and endangering the lives of the men.

Q The next voucher?

A December 8, 1902, estimate of work done by A. L. McConnell

1 for the month of November, 1902 for filling in old shaft
2 #15; carrying siphon and putting in gate #100.

3 Q. What was that work?

4 A. The filling of the old shaft, I am not altogether clear at
5 this time as to which old shaft was there; several shafts
6 were filled by McConnell, but I believe it was the old shaft
7 near the present measuring box at the head of the 60-acre
8 tract.

9 Q. And the other items?

10 A. Carrying siphon and putting in gate and so forth; we at
11 this time - this was in December - we concluded it would be
12 best if we could control the flow from that well, so we ar-
13 ranged with McConnell to get everything in readiness and
14 rapidly re-arrange the siphon, putting in a gate with a
15 wheel and so forth, so that a person could enter the shaft
16 and by turning this wheel operate the gate placed in the si-
17 phon to shut off the water during the winter season, or shut
18 it off to the extent that we would only use such as was
19 actually needed after this date.

20 Q. That had occurred with reference to the flow that led you
21 to do this?

22 A. Well, the flow had continued, a large flow had continued
23 after placing the siphon in this second gallery and we did
24 not desire that large flow during the winter; the flow had
25 kept up exceedingly well, a very large flow of water.

26 Q. About what amount? State the amount?

27 A. Something over 200 inches; I think that is a conservative
28 statement.

29 Q. That is 200 inches from what source?
A. 200 inches from the well number 9.

For the month of December, 1975, the following is the list of

the names of the persons who have been added to the list.

Three names have been added to the list. The first is the name of the person who has been added to the list.

The second is the name of the person who has been added to the list. The third is the name of the person who has been added to the list.

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The twelfth is the name of the person who has been added to the list. The thirteenth is the name of the person who has been added to the list.

SUPERIOR COURT

1 A January 9, 1903, estimate of work done by A. L. McCon-
2 nel for month of December, 1902,-- retimbering 300 feet of
3 tunnel at 75 cents, \$225.
4 Retimbering 70 feet below weir at \$1.50, 105.
5 16 feet above weir at \$1.50, \$24.00
6 56 feet pipe laying in branch above weir at \$1.00, \$56.00.
7 Repairing shaft, \$20.00.
8 Setting 2 gates in weir, \$10.00. Total, \$440.00.

9 The Eadie tunnel from the measuring shaft at the northern
10 line of the 90-acre tract, northward of this 300 feet men-
11 tioned, was in bad condition; it needed repairs, and retim-
12 bering; and so I arranged with McConnel to do this work and
13 it was done.

14 Q This work was all in the old portion of the Eadie tun-
15 nel?

16 A Yes; the whole of it.

17 Q Well, you can pass to the next voucher.

18 A August 7, 1903. Estimate of work done by A. L. McCon-
19 nel, for the month of July, 1903, Stowell shaft.

20 81 feet at \$4.00, \$324.00.

21 13 feet at \$12.00, \$156.00.

22 Pipe laid in Stowell tunnel, 441 feet 30-inch pipe, at \$1.00
23 \$441.00.

24 191 feet 24-inch pipe at \$1.00, \$191.00.

25 Filling up old shaft and concreting bottom of present work-
26 ing shaft, \$80.00. Total, \$1192.00.

27 Q Describe what that work was.

28 A The Stowell shaft was the shaft immediately above the 90-
29 acre tract and we had that lined with concrete pipe, and

1. January 1, 1900, the first of the year was a day of
and the month of January, 1900, was a month of the year of
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SUPERIOR COURT

1 steps or rounds of galvanized iron placed in there, and we
 2 also had pipe laid in there as far as through the old drifts
 3 that were considered somewhat dangerous, and we re-lined
 4 them with pipe. It is difficult for me to recall at this
 5 time the exact extent of that work.

6 Q I don't know that we care for that particularly. It
 7 was work in fixing up appliances which had previously exist-
 8 ed in handling the water?

9 A Yes, sir.

10 Q Does that apply to all the items in there?

11 A Yes. That is my belief.

12 September 10, 1903, work done by A. L. McConnell for laying
 13 pipe in shaft, 32 feet at \$1.00, \$32.00.

14 Labor repairing weir, 2 1/2 days at \$4.00, \$10.00. \$42.00.

15 That was repair work.

16 November 2, 1903, estimate of work done on Stowell shaft
 17 by A. L. McConnell in the month of October, 1903,
 18 17 feet at \$12.00, \$204.00, and other items making \$219.00.

19 Q That is all repair and improvement work?

20 A I am inclined to believe that it is sinking still deep-
 21 er the Stowell well.

22 Q You sank it deeper about that time?

23 A Yes; I think we began about that time.

24 Q How much deeper was it sunk at that time?

25 A 17 feet.

26 Q Did you obtain any additional amount of water?

27 A No. It wasn't water development. There was no additional
 28 water obtained in this and there was no intention to.

29 Q And you didn't obtain any additional water?

1. The first of these is the fact that the Commission has not yet received any information from the Government of the United Kingdom regarding the progress of its investigation into the alleged activities of the British Intelligence Service in the United States.

2. The second of these is the fact that the Commission has not yet received any information from the Government of the United Kingdom regarding the progress of its investigation into the alleged activities of the British Intelligence Service in the United States.

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9. The ninth of these is the fact that the Commission has not yet received any information from the Government of the United Kingdom regarding the progress of its investigation into the alleged activities of the British Intelligence Service in the United States.

10. The tenth of these is the fact that the Commission has not yet received any information from the Government of the United Kingdom regarding the progress of its investigation into the alleged activities of the British Intelligence Service in the United States.

SUPERIOR COURT

1 A No, sir.

2 Q Pass to the next.

3 A December 1st, 1903. Estimate of work done by A. L. Mc-

4 Connel in the month of November, 1903.

5 60 feet of tunnel at \$12.00, \$720.00.

6 This was work on another gallery underneath the two

7 galleries already completed.

8 Q That was a gallery for carrying water?

9 A I am not positive whether this was a gallery on the

10 tunnel level or not. About that time we were looking tow-

11 ard the bulkheading and sealing up of that well, and work

12 was done toward collecting on the ground floor or tunnel

13 floor of the well and the tunnel.

14 Q Did you obtain any additional water by the construction

15 of that?

16 A I think not.

17 January 2, estimate of work done by A. L. McConnell for month

18 of December, 1903, tunnel at Stowell well 34 feet at \$12.00

19 \$408.00.

20 Shaft, 13 feet at \$12.00, \$156.00. This and the other was

21 along the line of the water surface.

22 March 1, 1904. Ontario Power Company, estimate of work

23 done by A. L. McConnell for the month of February, 1904,

24 344 feet pipe laid at \$1.00 ~~at~~ \$344.00.

25 100 feet of back fill at 90 cents, \$90.00.

26 Filling old shaft and concreting bottom of same, \$50.00.

27 \$484.00. This work was along the line of water conserva-

28 tion and repairs.

29 Q No development of water?

SUPERIOR COURT

1 A No, sir. April 1st, 1904, estimate of work done by A. L.
2 McConnell for month of March, 1904:

- 3 90 feet pipe laid at \$1.00, \$90.00.
- 4 100 feet back fill of gravel, 90 cents, \$90.00.
- 5 Man and team hauling pipe 1 day, \$4.00.
- 6 2 men pulling pump 1 day, ~~\$4.00~~ at \$2.00, \$4.00.
- 7 2 men pulling pump $\frac{1}{2}$ day, \$2.00.
- 8 2 men and teams hauling gravel 1 day, \$6.00.
- 9 Same, $\frac{1}{2}$ day, \$3.00
- 10 Same, 1 day, \$6.00
- 11 Same, $\frac{1}{2}$ day, \$3.00. Total, \$210.00.

12 That work is all of the same character as the last.
13 This will referred to the general work. There is still one
14 other bill on the same line.

15 Q That is all of the same character?
16 A Yes, sir.

17 Q None of it refers to the development of water?

18 A We had a pump in there in which we pumped to lower the
19 well to the point where we could connect the lower tunnel,
20 and this pipe laying and back filling etc. and shaft was
21 what had been termed a new shaft a little south of the
22 Stowell well which was placed there in order that the bulk-
23 head might be used to withhold the water. This back filling,
24 and the work generally was to place the shaft and tunnel in
25 such a condition. The back filling was done very completely.

26 Q Was there any development of water?

27 A No, sir; it was not considered any development.

28 Q Did you get any water?

29 A During the time the pump was being run to lower the water

[illegible]

1 we got more water.
2 Q You were pumping more water?
3 A Yes.
4 Q I think that is plain enough.
5 Mr. Waters: That was merely to make a sign.
6 A The purpose of this last work was to place the whole
7 development in such a condition that we could conserve the
8 water by placing a bulkhead in this shaft immediately below
9 the S towell tunnel. The shaft was built for that purpose
10 and these pipe lines were so placed that the tunnel pipes
11 and back fill would be in safe position for the bulkhead-
12 ing of the tunnel.

13
14 Mr. McKinley: We offer these vouchers in evidence and ask
15 that they be marked exhibit H. The record might show
16 that a portion of them are the same vouchers that were used
17 in the examination of the witness Shepherd and produced
18 by him.

19 Mr. Britt: Yes; that is correct.

20
21 Q Mr. Leeke, in the year 1902 what supply of water did the
22 San Antonio Water Company have in the irrigating season?

23 Mr. Waters: We object to that on the ground that it is--

24 Mr. McKinley: I thought I was following counsel's advice.

25 Mr. Waters: No, you are not. I think this Court will take
26 judicial knowledge that the supply of any colony in this
27 climate and in this country for any irrigation season is
28 not a fixed quantity. That is to say, it is a thing which is
29 is common knowledge that this supply in any one year or irri-

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1 irrigating season is a fluctuating rather ~~and~~ then a fixed qua t-
2 ity. Now, if counsel really wishes to follow any suggestion ,
3 we know that ordinarily speaking a record is kept of the sup-
4 ply,-- daily measurements, daily records. Witnesses bring
5 them in here.

6 Mr. McKinley: They are in now, a great many of them.

7 Mr. Waters: This question surely gives us no intelligence s
8 as to what the supply in one year for the whole irrigating
9 season was, when we know it is a fluctuating quantity.
10 They have more in June than they do in August. Sometimes
11 more in one month than in another in different years.

12 Mr. Britt: And they select the year 1899, which is one
13 of the driest years reported. I concur in the objection of
14 Mr. Waters, that it is not the best evidence.

15 The Court: I think it is the best evidence of its kind. I
16 don't think much of the kind.

17 Mr. Britt: It is the best evidence of its kind, perhaps,
18 but it has already appeared that there is a record kept of
19 the water delivered.

20 The Court: The objection is overruled, but it really seems
21 to me--

22 Mr. McKinley: I am only seeking to call for a general
23 statement. I don't mean to control measurements by it. But
24 I do not concede at all that I have not the right to ask
25 the question, nor do I expect to spend much time on it. I
26 merely want his description of the conditions.

27 The Court: It is really too general. As far as the suffi-
28 ciency of the supply of the stockholders, that is a differ-
29 ent proposition. But I understand you to ask for the prac-

SUPREME COURT

The first of these is the fact that the
 Journal of the American Medical Association
 has been for many years the most
 influential of all the medical journals
 in the United States. It is the only
 one that is read by every physician
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SUPERIOR COURT

1 tical measurement.

2 Mr. Haskell: As I remember the evidence in this case,

3 there is some testimony that the records of measurements were

4 lost, up to a certain time; but it has never been shown that

5 all the records were burned up--

6 The Court: I don't suppose that is the contention here.

7 Mr. McKinley: No, sir; I will withdraw the question.

8 Q What were the sources of supply from which the San A n-

9 tonio Water Company received its water in the summer of 18

10 1899?

11 A We had a very low supply of water--

12 Mr. Waters: I move to strike out.

13 The Court: Stricken out.

14 Q The question is what were the sources of water supply.

15 A Wells and tunnels.

16 Q What did you have at that time?

17 The Court: Where were they?

18 A A supply from the San Antonio Canyon, a tunnel, a sup-

19 ply from Sixteenth Street well no. 5, a supply from the

20 Sowell tunnel, and a small supply from the 90-acre tract or

21 the tract immediately above the 90-acre tract to the east.

22 I am not positive that that water came from what was some-

23 times called--

24 Q Was all the water received from these sources used for

25 irrigation and domestic purposes by the stockholders?

26 A Yes, sir.

27 Q About what proportion of the usual amount of water which

28 you were distributing that year?

29 Mr. Waters: Objected to on the ground that it is calling

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for comparisons of the witness of things, the elements of which have not been stated.

Mr. McKinley: I withdraw the question.

Q. About what size heads were you giving to your stockholders at that time during the year 1900?

A. Part of that irrigation season from one quarter to one-half heads.

Mr. Waters: I move to strike that out as not responsive to the question. He was asked what size heads, and the witness has given something else. Instead of saying how many inches, he gives what comparison it was to other heads. In other words, he is answering the question that was withdrawn before.

The Court: The answer will be stricken out.

Q. State the size of the heads.

A. A portion of the time 20 inches on half time.

Mr. Waters: I move to strike out the expression "half time" on the ground that it is a comparison.

The Court: Motion denied. Plaintiffs except.

The Court: Q. What do you mean by heads on half time?

A. Ordinarily the heads run 24 hours, and it was found necessary to run them for 12 hours instead of 24.

Mr. Waters: That is the reason I made the motion I did, because I saw that the witness was bound to get in that answer.

Q. Will you state what head you were giving to your stockholders in the year '99?

A. My answers were referring to that date. I had it in mind.

Then we will pass to the year 1900. State the facts in

[illegible]

1 regard to that upon the same proposition, as to the amount
2 which your stockholders received.

3 A Without reference to minutes and data, I am not pre-
4 pared to state. I know that the water was low.

5 Q What acreage was planted of citrus fruits in Ont rio und-
6 er the San Antonio water system and dependent on stock in
7 your company for irrigation in the year 1879 as nearly as
8 you can estimate it?

9 A Something over 5000 acres.

10 Q Can you give any estimate as to the age of the different
11 orchards at that time?

12 Mr. Britt: Wasn't that a matter on which it was proposed
13 this morning that there should be some accurate information
14 obtained rather than to depend on estimates?

15 Mr. McKinley : I don't know where you would get it except
16 on estimates.

17 Mr. Britt: Taking 5000 acres of land, it is impossible for
18 any man to give anything like an accurate
19 estimate of the age of all the trees, unless they happened
20 to belong to him. There are hundreds of people owning lands
21 in this tract, and why inquire of the witness to give the
22 estimate of the age of trees on 5000 acres of land under
23 such conditions, and ask him to fix that estimate as of
24 10 years ago? We submit that it is not a competent question.

25 The Court: It is competent. The only question is whether it
26 is accomplishing anything.

27 Mr. McKinley: If he was very familiar I should say it was;
28 if not, it wouldn't.

29 The Court: I think on a former trial in 1880 there was an

The Council of Europe is a unique institution in the world. It is the only international organization which has as its primary purpose the promotion of democracy and the rule of law. It is also the only organization which has as its primary purpose the promotion of human rights. The Council of Europe is a unique institution in the world. It is the only international organization which has as its primary purpose the promotion of democracy and the rule of law. It is also the only organization which has as its primary purpose the promotion of human rights.

1 estimate furnished at that time of the acreage and the ages
2 at that time, and I don't know but what he might have some
3 recourse to that data. The objection is overruled.

4 A At this time the older trees were about 15 years old,
5 and they graded from that age down to-- the major part of
6 them, I should fancy,-- to 6 or 8.

7 Q You had a general superintendence of the company and
8 gave great attention, ^{to} and covered to a considerable extent
9 in your testimony already the matter of the distribution of
10 storm waters. During how long a period did that cover?

11 A From the winter of 1903 to the present time. Our board
12 of directors authorized the employment of an engineer to
13 look into this matter carefully, and authorized the expend-
14 iture of such money as might be needed in this work in the
15 fall of '22 1902

16 Q And you have described that all in your other testimony.
17 Is there anything that you desire to add to that? I will
18 save time by examining that hereafter. I think it is fully
19 covered. If I should want to ask him, I will do so. Mr.
20 Joliffe informs me that you didn't testify to turning the
21 waters in from the San Antonio Canyon. What have you done
22 with reference to that?

23 A We have turned the winter waters that have been conveyed
24 over part of the colony lots-- we have turned a portion of
25 that into the Nineteenth Street ditch, running easterly, on
26 to the valleys of the Cucamonga Creek north and northwest of
27 the Sixteenth Street wells.

28 Q Have you put in any additional construction for the pur-
29 pose of doing that?

1. The first thing I noticed when I stepped out of the car was the smell of the sea. It was a salty, fresh, and invigorating scent that immediately put me at ease. The sun was shining brightly, and the waves were crashing against the shore. I felt a sense of freedom and adventure as I walked along the beach.

2. As I walked further down the beach, I noticed a group of people playing beach volleyball. They were laughing and shouting, and their movements were full of energy. I watched them for a while, feeling a bit envious. I had never played before, but it looked like a fun way to spend the day.

3. I decided to join them. I asked one of the players for a ball, and they were all too happy to help. We started with a simple game, but soon it turned into a more competitive match. I was a bit out of shape, but the game was so much fun that I didn't mind.

4. After a few hours of playing, I felt tired but happy. The sun was starting to set, and the sky was a beautiful mix of orange and pink. I sat on the sand, looking out at the ocean. The waves were still crashing, but now they seemed more peaceful. I felt a sense of calm and contentment.

5. I stayed at the beach until the sun had completely set. The moon was now visible in the sky, and the stars were starting to appear. I felt a sense of wonder and awe at the beauty of the night sky. I knew that this was a special moment, and I wanted to remember it for the rest of my life.

6. As I walked back to the car, I felt a sense of accomplishment. I had done something that I had never done before, and I had enjoyed every minute of it. I knew that this was just the beginning of my summer vacation, and I was looking forward to all the other adventures that awaited me.

7. The next day, I went to a beachside cafe for breakfast. The cafe was a small, charming building with a thatched roof. The food was delicious, and the service was excellent. I sat on a wooden bench outside, watching the waves crash against the shore. I felt a sense of peace and tranquility.

8. I spent the rest of the day relaxing on the beach. I read a book, listened to music, and watched the sunset. I felt a sense of joy and happiness that I had never felt before. I knew that this was a special moment, and I wanted to remember it for the rest of my life.

9. As the day came to a close, I felt a sense of fulfillment. I had done everything that I had wanted to do, and I had enjoyed every minute of it. I knew that this was a special moment, and I wanted to remember it for the rest of my life.

10. The next day, I went to a beachside cafe for breakfast. The cafe was a small, charming building with a thatched roof. The food was delicious, and the service was excellent. I sat on a wooden bench outside, watching the waves crash against the shore. I felt a sense of peace and tranquility.

1 A Yes, sir; we laid two additional pipe lines this last
2 year so that we might be able to convey large quantities of
3 water across the colony into that ditch.

4 Q I think you have testified that you were thoroughly
5 familiar with the growing of citrus fruits and other matters
6 and the amount of water required.

7 A I am.

8 Q What in your opinion is the number of inches per acre
9 during the irrigating season required for the proper culti-
10 vation of citrus fruits in Ontario and under the system of
11 the San Antonio Water Company?

12 Mr. Haskell: Of what age?

13 Q For varying ages, giving his opinion of it for different
14 ages as he goes along.

15 A Orange and lemon trees of 20 and 25 years of age require
16 for the best development of crops of fruit about an inch
17 to 3 acres.

18 Q And descending to the other ages? Cover the matter as
19 fully as you can, applying your statements to the San Anton-
20 io Water Company's stockholders' land.

21 A From 15 to 20, an inch to 4 acres; from 10 years of age
22 to 15, an inch to 5 acres. And it is pretty difficult to
23 define how much trees younger than that require. It depends
24 on the character of the soil. Lemon trees require consider-
25 ably more water than orange trees. It would be advisable to
26 use ~~more~~ even a greater quantity of water for lemon trees than
27 I have stated in this answer.

28 The Court: Can't you give us any idea about the amount of
29 water required for trees under 10 years of age?

The Court held that the law was unconstitutional as it violated the First Amendment's guarantee of freedom of speech. The Court found that the law was a content-based restriction on speech, and therefore it was subject to strict scrutiny. The Court found that the law did not survive strict scrutiny because it was not narrowly tailored to serve a compelling government interest. The Court also found that the law was overbroad and violated the First Amendment's guarantee of freedom of speech.

SUPERIOR COURT

1 A Trees from 10 years down to 5, an inch to 7½ acres; and
2 from 5 to 2 or 1, an inch to 10 acres.

3 Q I suppose your answer is an average of the entire colony.
4 There must be different sections where a little more or a
5 little less is required, according to the character of the
6 soil.

7 A That is true. And also, according to the rainfall. In
8 extremely dry winters the heavy soil requires a large amount t
9 of water to produce a crop. In a wet winter the sandy soil
10 requires more water than the heavy soil.

11 Mr. McKinley: Q You are familiar with the soil all over
12 Ontario?

13 A Yes, sir.

14 Q And over all the lands irrigated under the San Antonio
15 Water Company's system?

16 A Yes, sir.

17 The Court: Q At one time in Ontario, it seems to me, it
18 must have been along about that period, quite a number of
19 groves were cut back, were they not, or re-budded?

20 A Yes, sir.

21 Q How do you classify them in regard to this tabulation
22 as to the amount of water used?

23 A A cut-back and rebudded grove for the first two years
24 would require the amount that a five-year old tree required.
25 They have extensive roots, and they recover so rapidly that
26 after four or five years they are equal to a 15-year old
27 tree. I might also remark under this same proposition, that
28 when the extreme dry years (especially of '98 and '99) we
29 found it necessary in order that our trees might survive to

There is a great deal of interest in the world today in the subject of the "New World Order". This is a term which has been used by many people to describe a new era of world peace and cooperation. It is a term which has been used by many people to describe a new era of world peace and cooperation. It is a term which has been used by many people to describe a new era of world peace and cooperation.

cut them back very severely; and trees were topped in that colony in order to preserve them over the dry season so that they might exist with the extremely small supply of water we had.

Q You said '98 and '99.

A 1898 and '99.

Mr. McKinley: Q About what is the cost per acre of maintaining the San Antonio Water Company system of distribution?

A The cost to water users at the present time is about \$20 per acre per year.

The Court: Some witness has testified that your company supplied water to other than stockholders. Is that correct?

A No, sir; the San Antonio Water Company only supplies the stockholders.

Cross Examination.

Mr. Waters: Q You referred to a siphon in this well which you sometimes term no. 9 and which we refer to as no. 14.

Now I understand you also to say that that siphon has been changed several times-- lowered. How many times was the siphon lowered?

A The siphon was lowered from its original installation once, and it was changed a second time to the extent of putting in a gate and rearranging it. My memory does not indicate the extent of the change only as I see it on the bill.

I don't wish to take up any unnecessary time asking you about this siphon if anybody knows more about it than you know about it. That is, anybody available. Has there been any set of maps made of that siphon?

A No, sir; I think not.

For information, this is a preliminary report. It is not intended for publication.

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1 Q Then it depends on men's memory?

2 A I think so. I don't know of any record other than those
3 bills and the memory of parties connected with the work.

4 Q Now then, I will have to ask you, if that is the case,
5 when that siphon was first put in what depth beneath the sur-
6 face was the lower end of the siphon which was in the well.
7 I am talking about the well end of it.

8 A I can't answer that question directly because I only know
9 it was in sufficient to get a good action -- a good suction.

10 Q You are talking about the surface of one thing;-- you are
11 ~~talk~~ talking about the surface of the ground and I am talk-
12 ing about the water. What I am trying to find out is how
13 far below the surface of the ground was the surface of the
14 siphon in number of feet about?

15 A Well, it would be a matter of conjecture with me.

16 Q Give us about the number of feet. Was it 50, 100 or 150
17 feet beneath the surface of the ground? Give us as good an
18 idea as you have.

19 A That would be simply an opinion.

20 Q You say it.

21 Mr. McKinley: Counsel does not seem to be as exact as
22 he wants us to be.

23 The Court: Q Do you know how far it was to the surface
24 of the water from the surface of the ground?

25 A When that gallery was dug it struck the water so that,
26 if my memory is correct,-- it struck it so that the water
27 flowed through. I wish I could be exact about this, but I
28 don't know the distance. But I take it it must have been
29 60 or 65 feet below the surface of the ground where we had

the floor of the first gallery.

Mr. Waters: Q All right. That is good enough. That is good enough. Do you remember how far below the floor of the first gallery the suction end of the siphon extended?

A I don't know. I could only make a guess of what ought to have been good mechanical construction there.

Q All right. Now say it.

A I should say something like 30 feet

Q Don't you know that a siphon will not properly work with any more suction than an ordinary suction pump will, to wit, about 25 to 27 feet?

A Well, I must have struck it pretty near then for a guess.

Q Don't you know it wasn't more than 25 feet?

A I take it that your remark is correct; but I told you to begin with that I couldn't give an accurate statement of this matter.

Q You are giving it as well as you can.

A I am doing the best I can.

Q So long as you are, we will get along first rate. Now then, what was the size of the siphon pipe-- the diameter of it as first put in?

A I can't give you the diameter.

Q Now do you remember whether you had any trouble with that siphon or not?

A No; I don't remember.

Q Don't you remember whether the other leg of it that went down into the tunnel or discharged into the other shaft,-- as to whether the other leg was too long and pulled the column

[illegible]

1 in two?

2 A. I don't remember that.

3 Q. Well, do you remember how long, together long, of

4 the siphon was?

5 A. No; I do not. I know it discharged the water down there

6 tremendously.

7 Q. Do you know whether the action of the siphon was such as

8 that it constituted an overdraft on the well and caused the

9 suction end of it to get air or not in a certain number of

10 hours?

11 A. I don't remember anything of that kind.

12 Q. Do you remember what the priming apparatus of that siphon

13 was-- how they started the siphon to going? You don't stick

14 the pipe in there and the water comes to run through.

15 Don't you have to prime it up at the goose neck?

16 A. I presume so, but that is what I paid very little at-

17 tention to.

18 Q. Do you remember whether they had any apparatus to prime

19 it?

20 A. Not at this time. My recollection is not sufficient for

21 that. I know the siphon was there and I know it worked.

22 Q. You know that it did operate?

23 A. Yes, sir.

24 Q. Do you know that it continued to operate or whether it

25 stopped operations?

26 A. As far as I know it continued to operate until we re-

27 set it below.

28 Q. Without harrowing this ground any longer, I will ask you

29 if any engineer was in charge at the installation of it?

1. The first thing I noticed when I stepped out of the plane was the cold air. It was a sharp contrast to the warm, humid air of the tropics. I shivered slightly, but then I remembered that this was just the beginning of my journey. I took a deep breath and smiled. I was here, in the heart of the wilderness, and I was going to make the most of it. I turned to look at the vast expanse of the forest stretching out before me. It was a sight that I would never forget. The trees were tall and thin, their branches reaching up towards the sky. The ground was covered in a thick carpet of moss and ferns. I felt like I had entered a completely new world. I took a few steps forward, feeling the soft ground beneath my feet. I was alone, but I wasn't scared. I was excited. I was going to explore this beautiful land and see what it had to offer. I turned back to look at the plane one more time. It was just a small speck in the distance now. I was free. I was home.

SUPERIOR COURT

1 Did Mr. Trask install it or have it installed or inspect it
2 as your engineer?

3 A No.

4 Q Who put it in?

5 A McConnel.

6 Q Is he in the country yet?

7 A He died some years ago.

8 Q Did you measure the water that came through the siphon?

9 A Not personally.

10 Q Did you see it measured?

11 A The water from that siphon and the whole development there
12 was measured at the shaft immediately north of the 90-acre
13 tract. I instructed our zanjero to measure it from day to
14 day and our engineer measured it from time to time.

15 Q Is that point of measurement in the tunnel?

16 A Yes, sir.

17 Q And that point of measurement is below where several
18 supplies have come in to the tunnel?

19 A Yes.

20 Q And have each one of those several supplies been meas-
21 ured or is there any measuring box or weir on each one of
22 those supplies before it comes into the conjoint measuring
23 box?

24 A No.

25 Q How can you state whether one is more or less or how
26 much each one contributes?

27 A Well, we knew at that time-- we knew the amount of water
28 by measurement that was flowing from that development.

29 Q From the sources other than the siphon?

1 The first thing I noticed when I stepped out of the plane was the
2 fresh air. It felt like I had been in a glass jar for hours.
3 The sun was shining brightly, and the birds were singing.
4 It was a beautiful day, and I was finally home.
5 I had been away for so long, and it felt like I had been in a dream.
6 The first thing I did was to go to the beach. I had heard that the
7 beach was beautiful, and I was not disappointed. The sand was soft
8 and white, and the water was clear and blue. I had heard that the
9 beach was beautiful, and I was not disappointed. The sand was soft
10 and white, and the water was clear and blue. I had heard that the
11 beach was beautiful, and I was not disappointed. The sand was soft
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27 beach was beautiful, and I was not disappointed. The sand was soft
28 and white, and the water was clear and blue. I had heard that the
29 beach was beautiful, and I was not disappointed. The sand was soft
30 and white, and the water was clear and blue. I had heard that the

SUPERIOR COURT

1 A Yes; before we turned the siphon on.
2 Q Were they fixed quantities or fluctuating quantities?
3 A They didn't fluctuate very much; they kept quite a steady
4 flow.
5 Q Who kept the measurements of those? Who has got them?
6 A I don't know what measurements Mr. Trask has. I don't
7 know what measurements Mr. Saunders has. Mr. Saunders dur-
8 ing that time or that year was our engineer and he visited
9 that locality frequently and advised as to the conditions
10 there on the work.
11 Q As a matter of fact isn't your information there some-
12 thing which has been received from someone else rather than
13 from your own observation as to the quantity of water going
14 through the siphon? In other words, isn't it hearsay in-
15 stead of knowledge of your own?
16 A The increase in the amount of the water flowing at the
17 mouth of the Ladie tunnel after the installation of this
18 siphon came under my immediate observation, as also the in-
19 crease of the waters flowing at Ontario.
20 Q Do you know how much to attribute to the siphon and how
21 much to the other sources?
22 A I can't give you the figures at this time.
23 Q How then, at the time when this siphon was operated,
24 beginning at the first level, what was the difference if
25 you know between the tunnel floor level at the nearest point
26 to this shaft of no. 9-14 well? What was the difference
27 between that level and the level of no. 9-14?
28 A I can't give it at this time.
29 Q You know that the water in well 9-14 was at the surface

1 of the water than the floor of the tunnel?

2 A Yes, sir.

3 Q You don't know how many feet difference or if any dif-
4 ference?

5 A I haven't a sufficiently well defined idea to be able
6 to state it.

7 Q Give any idea at all on the subject.

8 A Nothing so accurate as you would desire.

9 Q Then give it to us as inaccurate as you may know it.

10 A I don't like to give inaccurate statements.

11 Q Have you no definite idea as to how much you lowered
12 the outflow of water in well or from well 9-14 by bringing
13 it out at the tunnel level as you finally did? That is to
14 say, how much you lowered it from the point where it was
15 in your siphon?

16 A I have an idea. That is, I have my own idea of the matter,
17 but it is not by measurement.

18 Q But by observation, isn't it? You knew where the floor
19 of the tunnel was and you knew where the elevation of the
20 water was in well 9-14 before you lowered it?

21 A My memory is a little at fault about the level of the
22 water in the well.

23 Q Give us an idea, at any rate, because may be all the
24 balance of the men have forgotten too.

25 A I should judge we lowered it 40 feet or more.

26 Q When was it that you got it down to that level? About what
27 date in 1903 or 04? When did you make that final connection
28 to the level of the tunnel? A. I would have to refer to data.

29 Recess until to-morrow, March 9, at 10 o'clock a.m.

17. The same thing is done at the same time.

18. Yes, sir.

19. You don't know how many times I have seen it.

20. Yes.

21. I have seen it a great many times in this

22. Yes, sir.

23. I have seen it a great many times in this

24. I have seen it a great many times in this

25. I have seen it a great many times in this

26. I don't like to give answers to questions.

27. I have seen it a great many times in this

28. I have seen it a great many times in this

29. I have seen it a great many times in this

30. I have seen it a great many times in this

31. Yes, sir.

32. I have seen it a great many times in this

33. I have seen it a great many times in this

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44. I have seen it a great many times in this

45. I have seen it a great many times in this

IN THE
Superior Court

OF THE
County of San Bernardino

State of California

Cucamonga Vineyard Company, et al.,

Plaintiff^s

vs.

San Antonio Water Company, et al.,

Defendant^s

Vol. 26.

Tuesday, March 9th, 1909

INDEX.

SUPERIOR COURT

1 Tuesday, March 26th, 1909. Twenty-sixth day.
2 E. S. SHORT.
3 E. S. Short, a witness produced by defendant, being first
4 duly sworn testified as follows:
5 DIRECT EXAMINATION.
6 By Mr. Jolliffe: Q Where do you live?
7 A In Redlands City, San Bernardino County.
8 Q Where were you living from 1888 to 1898?
9 A Living right in San Bernardino County.
10 Q What business were you engaged in at those times?
11 A Farming and teaming.
12 Q I will ask you whether or not you had frequent occasions
13 to pass by the place known as Cucamonga and the Cucamonga
14 Vineyard?
15 A Yes, sir.
16 Q I will ask you if you observed the condition of the stream
17 known as Cucamonga Creek?
18 A I did, sir. I had occasion to observe them because I
19 had to go beyond the Cucamonga house to get water for my
20 stock.
21 Q In the year 1884 and '8 --
22 A That was in 1888 and '86 that I have reference to.
23 Q What was the condition of things about the Cucamonga Creek
24 at that time, as to whether or not there was any water in it?
25 A No, sir, there was no running water at all. We had to
26 go beyond it to get water, and dip it out of a little spring
27 to get water for our stock.
28 Q Where did you find water?
29 A I found it in the spring about a mile and a half or two

THE CASE

It is a case of a person who has been found guilty of a crime.

The case is as follows:

THE FACTS

On the 1st day of January, 1900, a person was found guilty of a crime.

It is a case of a person who has been found guilty of a crime.

The case is as follows:

A person was found guilty of a crime.

It is a case of a person who has been found guilty of a crime.

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1 miles, I don't know the exact distance, to the right of where
2 Mr. Huntington lived on the side of a little knoll.

3 Q. You went to the Huntington place west of Cucamonga?
4 A. West of Cucamonga.

5 Q. And from there you went in what direction?

6 A. To the north and to the right, and there he had a little
7 spring dug out with a box in it, and I dipped the water out
8 of the box and watered my stock, four miles and two horses.

9 Q. Was there any water flowing --

10 A. No, sir, not a bit. There was no water flowing in what
11 is called the Cucamonga Creek.

12 The Court: Wait till the attorney finishes the question be-
13 fore you answer.

14 Mr. Jolliffe: Q. In the west branch of the creek at Hun-
15 tington's, was there any water flowing there?

16 A. No, sir.

17 Q. And all you could find was in this spring which had been
18 dugged out?

19 A. Yes, sir.

20 Q. Did you see anything about the condition of the vineyard
21 at that time?

22 A. I noticed the vineyard.

23 Q. About what was the extent of that vineyard as near as you
24 can tell?

25 A. I just drew an idea, I suppose from the size --

26 Mr. Waters: He object to the answer, and move to strike it
27 out, on the ground that it is not evidence of fact. He states
28 he doesn't know.

29 The Court: Strike out that piece of the answer and start a-

1 fresh.

2 (Question read).

3 A I would judge it was about ten acres, according to my
4 judgment, just guessing at it.

5 Cross Examination.

6 Mr. Tabers: Q Let us talk distinctly, and slowly, so that
7 we can all understand each other. When did you first begin
8 teasing on that road?

9 A I commenced teasing there first in '60.

10 Q When did you say it was that there was no water running
11 in Cucamonga Creek? What years?

12 A In '63 and '64.

13 Q And where was the road then as it passed by, or in regard
14 to that Red Hill? Do you know what is called the Red Hill
15 at Cucamonga?

16 A The Cucamonga building was on the right, and the barn or
17 something on the left, right opposite to the vineyard, and
18 when we crossed the creek we turned then back to the right
19 again till you got up on to a hill where Mr. Alton lived.

20 Q Now, was the vineyard to the south or to the north of the
21 road -- the Cucamonga vineyard?

22 A The Cucamonga Vineyard?

23 A Yes.

24 A I would call it to the south.

25 Q Do you remember the old John Raines house, the brick
26 house?

27 A Yes, sir.

28 Q Where was it with reference to that?

29 A It was on the right as you went.

Q It was on the north?

A I don't know whether it was north or exactly what direction it was. It was on the right as you were going down, and you are going south when you go to Los Angeles from here. It was quite a little distance from the road -- from the main vineyard.

Q Was there any winery there at that time?

A The first time I went along there was -- in '63 and '64, there was none, as I told you several times. That was the extremely dry year.

Q That didn't affect the wine did it. (Question read).

A If there was I didn't know. I didn't make no inquiry about it. There was a winery after that, I know, but at the time I don't remember whether there was or not.

Q Was there water there in 1860?

A Yes, sir.

Q A stream of water running across the road?

A Yes, sir, running across the road in 1860.

Q And it ran across the road a very little distance beyond the house, didn't it?

A Yes, sir, quite a little distance.

Q At what time of the year were you there in '60?

A In December, January, February, March and April.

Q Didn't go after April in 1860?

A No, sir, not that I can call to mind.

Q Did you go there in '61?

A I might have, but I can't call to mind exactly when or how many times I did go there.

Q Did you go there in '62?

1 A Yes, sir, I was learning occasionally from this town down
2 to the beach, between '40 and the time of the drought, '63
3 and '4.

4 Q Did you learn regularly or only at indefinite intervals?

5 A Only at times, as I got tanning to do.

6 Q In '61 did you go there?

7 A I couldn't say whether I did or not.

8 Q Did you go there in '62?

9 A Yes, sir, I was there in '62.

10 Q Did you go there in '63?

11 A Yes, I passed there.

12 Q And '64?

13 A '64.

14 Q '65?

15 A '65 and '66, and I was living right out here on base
16 line at the time.

17 Q Now I would like to know whether anybody was with you in
18 '63 when you went along there and didn't find any water?

19 A If Willard Wells was here, he was with me.

20 Q Who else?

21 A Mr. Cox was with me.

22 Q Which Cox?

23 A Dick Cox.

24 Q Silas?

25 A Yes, sir.

26 Q A son of old Jack Cox?

27 A Yes, sir.

28 Q Who else?

29 A I can't call to mind -- Well, there was Leachman; old man

1 Meacham's son Joseph, and his son-in-law Tolls.

2 Q Was there anybody else besides Cox that is alive that
3 was with you?

4 A Not that I know of.

5 Q Do you know whether the water was taken out for irrigation
6 above or not?

7 A No, sir, I do not.

8 Q Don't you know that that year the water was taken out
9 and used up there at/about the house of John Laines, the
10 brick house?

11 A It must have been taken out about that time. It was
12 there until that drouth, and then there was no water in the
13 stream that people could get, crossing back and forth, for
14 their use in watering stock.

15 Q Wasn't that during the drouth of '63 and '64 that that
16 condition prevailed?

17 A '63 and '64 is my memory of it.

18 Q Didn't you state awhile ago that it was '63 and '64?

19 A Well, '63 and '64; may be it was. I came in here, if
20 you will just wait a minute, in '66, and I was living on the
21 line, and in '61 the Civil War broke out, and after that came
22 this year of the drouth.

23 Q Wasn't the time of the drouth in '63 and '64 that you
24 found no water there? Wasn't it the time of the drouth?

25 A Yes, sir.

26 Q Now you recollect in '61 we had a great flood here?

27 A Yes, sir.

28 Q Do you mean that that year the Tucumonga stream did not
29 run?

1 A No, sir, I didn't say any such thing as that.

2 Q But it was in the year of the drouth, whenever that was?

3 A Yes, sir; that is, when I have reference to its not
4 running -- in the year of the drouth -- '63 and '64.

5 Q Now then, you merely did not see any water crossing the
6 road? Is that it?

7 A I remember crossing ditches where they were irrigating
8 vineyards and things before the dry year.

9 Q But I am talking about this time when you found no water
10 crossing the road. Did you go up to find out where the water
11 was?

12 A No; there was no water running across the road in the old
13 water ditches, or below the house.

14 Q All right. Did you go up stream to see where the water
15 was?

16 A No, I did not.

17 Q You did go around on the west side of the Red Hill where
18 Hubotton lived, and there you watered your stock at a spring?

19 A Yes, that is what I did. I didn't go up to see whether
20 there was a tunnel, or springs, or what they had above.

21 Q Or what they were doing up there?

22 A No, sir, I know nothing at all about it.

23 Q Do you know John Haines?

24 A Yes, sir.

25 Q Do you know when John Haines went to Tucuman, and built
26 that brick house?

27 A No, I can't tell exactly when the brick house was built,
28 but it was along between '60 and '65 and '6.

29 Q And you don't know anything about the irrigation that he

1 did on the north side of the Red Hill, do you?

2 A I do not.

3 Q You don't know about his getting out the walnut trees u-
4 ther after he built the brick house?

5 A No, sir. I never bothered my head about it. I simply
6 passed backward and forward. I remember the time when John
7 Haines was killed.

8 Q Don't you know that he had quit a farm thereof, and plant-
9 ed some summer crops, corn and beans?

10 A I don't know. He might have had.

11 Q Was Dick Cor with you when you watered the stock at Au-
12 bottom's?

13 A I don't remember whether he was or not.

14 Q Do you remember who was with you?

15 A Willard Wells and Joseph Leachman.

16 Q Was he a son of Lafayette Leachman?

17 A Yes, sir, but where he is, or any of them, I don't know.

18 Q And you thought there was about ten acres of vineyard?

19 A That is what I judged.

20 Q Don't you know there was over a hundred?

21 A There might have been, and there might have been four
22 hundred. I never stopped to examine it. I was just driving
23 along, and taking a glancing look at it, is the way I grew an
24 idea, from what I could see of it.

25 Re-Direct Examination.

26 Mr. Jolliffe: Q You were asked whether or not the water
27 had been taken out for irrigation. In passing along there
28 did you see any cultivated lands except this little patch at
29 the vineyard?

1. I am not a member of the club, but I am

2. I am not a member of the club, but I am

3. I am not a member of the club, but I am

4. I am not a member of the club, but I am

5. I am not a member of the club, but I am

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24. I am not a member of the club, but I am

25. I am not a member of the club, but I am

26. I am not a member of the club, but I am

27. I am not a member of the club, but I am

28. I am not a member of the club, but I am

29. I am not a member of the club, but I am

1 A I don't remember whether there was or not. I can't call
2 to mind.

3 Q You passed frequently?

4 A I passed with my team.

5 Q And the vineyard is all that you remember of seeing?

6 A That is at the time of that drought that I noticed,
7 because there was nothing growing nowhere.

8 Q Nothing growing anywhere?

9 A No, sir.

10 Q No cultivated lands that you observed, except this vine-
11 yard?

12 Mr. Britt: Objected to as leading.

13 The Court: Sustained.

14 Q How long did you continue tanning before you finally
15 quit the business?

16 A I tanned backwards and forwards for about four years.

17 Q Did you have occasion to observe that stream any time
18 along from '70 to '75?

19 A No, I don't remember taking any particular notice at that
20 time, in '70 or '75.

21 Q Or in '71 or '72?

22 A I can't call to mind. I might have been through there,
23 but I don't remember anything about what they were doing.

the first of these is the fact that the
the second is the fact that the
the third is the fact that the
the fourth is the fact that the
the fifth is the fact that the
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A. H. ANDERSON.

A. H. Anderson, a witness produced by defendants, being first duly sworn, testified as follows:

Direct Examination.

Mr. Solliffe: Q. Where do you live?

A. San Bernardino.

Q. Where were you living in '64 and '65?

A. San Bernardino County.

Q. What business were you engaged in?

A. I was engaged in freighting.

Q. Did you have occasion to pass by the place known as Cucamonga Creek frequently, along that time?

A. Yes, sir.

Q. I will ask you whether or you observed the condition of the stream known as Cucamonga Creek along during those years that you were leasing, in '64 and '65, and, if you did, state what you found there with reference to there being any water in it.

A. Well now, I couldn't state what years it was. I have noticed the stream, but to tell you what years it was I could not do it. I passed that country pretty often from '63 to '70 or '9.

Q. I will ask you whether or not you have passed there when it was dry?

Mr. Britt: Objected to as leading.

The Court: Sustained.

Q. I will ask you to state what the condition of the creek was when you passed there, and ask you whether or not it had water on it?

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1 A I have passed there crossing the ditch just above Mr.
2 Riche's at ~~the~~ in different times when there wasn't water
3 sufficient to water animals out of the ditch.

4 Q Did you get any water to water the animals at all?

5 A I have watered them out of a pool that he or somebody had
6 dug out -- circled around by his fence.

7 Q About when was that, as near as you can tell?

8 A I couldn't tell you the date at all.

9 Q Can you tell within a few years?

10 A I don't believe I could, because I paid no attention to
11 it, to make any minute of it.

12 Q Did you observe the condition of the stream at the west
13 side of the Red Hill in what was known as the Hubotton place
14 at that time or at any time?

15 A Yes, I have watered stock in there.

16 Q That was the condition of the stream near Hubotton's at
17 the time when you failed to find any water near Tucamonga?

18 Mr. Britt: Objected to as carrying an assumption that the
19 witness testified to something that is not stated.

20 The Court: The objection is sustained. It is just as well
21 to avoid that sort of a question.

22 Q What was the condition of the stream at Hubotton's at
23 any time when you passed there, with reference to having any
24 water in it or not?

25 A I never found what you would call a regular flowing stream
26 there. It was always very light. We had considerable trouble
27 to water big teams, but I could water. But I couldn't really
28 say that there was a good lively running stream there.

29 Q What years were you engaged in freighting, if you remember

1 A As near as I can remember, I started in freighting about
2 '63 and continued that up to about '73 or '9 on this route
3 here.

4 Q And it was during the time that you were freighting that
5 you observed these conditions?

6 A Yes, sir.

7 Q Can you fix the time any more definitely, as to whether
8 it was the early part or the latter part of your freighting
9 that you observed these conditions that you have described?

10 A I don't think I could correctly.

11 Cross Examination.

12 Mr. Britt: Q Mr. Anderson, at the time that you began
13 freighting, was there a winery at Duckwonga, or at the vine-
14 yard -- the spot or locality where the winery is now?

15 A I couldn't say positively that there was right at the
16 place, but my impression is that there was.

17 Q And the vineyard was there, of course, or there wouldn't
18 have been a winery?

19 A Yes, a big vineyard. I have sampled that.

20 Q The grapes, or the wine, or both?

21 A I sampled the grapes mostly.

22 Q You were freighting or teaming between San Bernardino
23 and some point farther west?

24 A Yes, sir.

25 Q Down at the coast?

26 A Sometimes to the coast, and sometimes just to Los Angeles,
27 and other times to Spadra. That is before the railroad was
28 ~~fixed~~ through.

29 Q Did you follow that business every year?

[illegible]

1 A Pretty much every year.

2 Q Summer and winter, or only summer?

3 A Summer and winter.

4 Q Was there a bridge on the road across the creek at that

5 time?

6 A No, sir.

7 Q You know where the bridge is now?

8 A Yes, sir, across the big wash.

9 Q Just above the winery, isn't it?

10 A I don't know of any bridge there just above the winery,

11 no.

12 Q Well, there was a bridge further over on the wash beyond

13 the winery?

14 A Yes, sir.

15 Q Was there a bridge at that place during the time you

16 were teaming from '53 to '77, or something of the sort?

17 A I think not.

18 Q Do you know where the brick hotel was constructed, some

19 distance above the winery called, I believe, the Mountain

20 View hotel?

21 A No, sir I do not.

22 Q You don't know where that was?

23 A No, sir.

24 Q Do you remember such a building there at the time you

25 were teaming, from '53 to '77?

26 A Whereabouts does that lay?

27 Q Above the winery some distance to the right of the pres-

28 ent road as you go west.

29 A I don't remember that.

1 Q Where was this pool where you say you watered your stock
2 at one time on some land of Riche, with reference to the winery
3 Where was it with reference to the winery?

4 A It would be west of the winery. West and a little north
5 Q Was Riche living there?

6 A Yes, sir.

7 Q Would a sort of a pool or a pond?

8 A Just a place dug out, probably six or seven feet across.
9 It wasn't deep at all.

10 Q And you watered your stock there?

11 A Yes, sir.

12 Q What sort of a team were you driving? How many animals?

13 A In the fore part of the business I was driving ten.

14 Q What do you mean by the fore part of the business?

15 A When I first started in. As I worked on, I increased
16 my team.

17 Q As you worked on and increased it, how numerous were
18 your animals?

19 A Before I got through teaming, I had 32 calves. I started
20 in with 10.

21 Q When you watered your team at this pool, how many had you?

22 A I couldn't say exactly. I never watered them there only
23 a few times.

24 Q Were other people teaming on the road?

25 A Yes, sir.

26 Q Did they water at this same pool?

27 A I think they did.

28 Q Was that in the summer time?

29 A Yes, sir.

1. The first thing I noticed when I stepped out of the car was the smell of the sea. It was a fresh, salty scent that filled my lungs and made me feel like I was in a new world. The sun was shining brightly, and the waves were crashing against the shore. I took a deep breath and felt a sense of peace wash over me. I had finally reached my destination, and I was ready to start my journey.

2. As I walked along the beach, I noticed a small boat in the water. It was a simple wooden boat with a single mast and a small sail. The boat was rocking gently on the waves, and I could see the reflection of the sun on its hull. I walked closer to the water's edge and watched the boat disappear into the distance. I felt a sense of longing for the open sea and the freedom it offered.

3. The boat was gone, but the memory of it remained. I walked back to the car and packed my things. I had a bag of food, a map, and a compass. I was ready for whatever came my way. I took a deep breath and stepped out of the car. The sun was still shining, and the waves were still crashing. I felt a sense of adventure and excitement. I was about to embark on a journey that would change my life.

4. I walked along the beach, looking for a good spot to start my journey. I saw a small cave in the rocks, and I decided that was where I would start. I walked into the cave and found a small boat. It was a simple wooden boat with a single mast and a small sail. The boat was rocking gently on the waves, and I could see the reflection of the sun on its hull. I took a deep breath and stepped out of the cave. I was ready to start my journey.

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2 Q It was a dry year?

3 A I don't remember whether it was a dry year or not. That
4 is, for rain.

5 Q You don't remember whether it was a year of severe drought?

6 A I do not.

7 Q At the time that you failed to see water running across
8 the road there in the Chocomaunga stream did you go up above
9 to the right among those trees and willows and other vegeta-
10 tion to see whether the water was running?

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11 A I will tell you what I done. About the last time that
12 I found it short there I wanted water pretty bad and I went
13 up the ditch-- the old ditch-- north, probably 250 yards--
14 may be not so far and may be a little further,-- to look
15 for water.

16 Q What did you find?

17 A I found water.

18 Q Was that on the east side of the Red Hill or the west
19 side?

20 A Do you call that Rubotton hill the Red Hill?

21 A Rubotton lived to the west. The hill this side of the La
22 bottom place.

23 A That would be the Raines hill, where his building was.

24 Q Well, the Raines building was just this side of the Red
25 Hill.

26 A No, I didn't go away up as far as the Red Hill-- not
27 what I think you mean.

28 Q Was the place or run or wash or ditch up which you went
29 and found the water on the west side of the Red Hill or on

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1 the east side?

2 A. On the west side.

3 Q. You didn't go up on the east side?

4 A. No, sir.

5 Q. From 1865 to 1872 did you travel along that road every
6 summer?

7 A. Pretty much every summer.

8 Q. And did you generally find water in the stream there
9 for your animals?

10 A. As a general rule, I did.

11 Q. During the summer season?

12 A. Yes, sir.

13 Q. On the east side of the Red Hill at those times, at the
14 time you were traveling there, did you take any note how the
15 water was being used for irrigation?

16 A. I did not.

17 Q. You never paid any attention to any Chinese gardens along
18 there?

19 A. No, sir. I never ~~axim~~ went up there. There was a big
20 fence to fence that place off.

21 THE DIRECT EXAMINATION.

22 Mr. Joliffe: That was the extent of the cultivable land
23 in that vicinity-- the land that was under cultivation at
24 the time you said you found no water in the creek?

25 A. I could only state what I heard about that. I don't
26 know of my own knowledge.

27 Q. I will ask you whether or not there was any cultivated
28 land north of the road.

29 A. Well, there appeared to be up about this Raines building--

1 there appeared to be an orchard of trees. I never went right
2 on to it.

3 Q How large an extent?

4 A I couldn't tell from the road.

5 Mr. Britt: What you call the Gaines building was to the
6 right of the ~~xxxx~~ Red Hill-- that is, east of the Red Hill?

7 A Yes, sir.

8 ---0---

10 J. C. BOWLER.

11 J. C. Bower, a witness produced by defendants, being
12 first duly sworn, testified as follows:

13 DIRECT EXAMINATION.

14 Mr. McInley: You testified that you were Superintend-
15 ent of the Cucamonga Vineyard?

16 A Yes, sir.

17 Q What lands did you have in charge there during the per-
18 iod that you were there? A From the Base Line down to the pres-
19 ent Santa Fe railroad track.

20 Q Who employed you there?

21 A The Cucamonga Vineyard Company, ~~and~~ ~~and~~

22 and the Cucamonga Land and Irrigation Company?

23 A I was looking after their interests at the same time.

24 Q You had charge of all those waters there?

25 A Yes, sir.

26 Q Was there anybody else in charge of either place resid-
27 ing at Cucamonga?

28 Mr. Britt: That is calling for a conclusion of the witness.

29 A Any resident present?

SUPERIOR COURT

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1 A In the early part there had been a Mr. Dreyfus, and Mr.
2 I. L. Hellman had been there. He would come there occasion-
3 ally.

4 Q About when did they cease? A Mr. Dreyfus died in '06.

5 Q You were employed by the owners of those lands, the
6 individuals first, before the companies were organized? A Yes.

7 Q Now, referring to the lands above the winery, the lands
8 upon which the springs were, what use did you make of those
9 lands? A I raised grain on it and I rented out some when-
10 ever I could. Part of it belonged to the Vineyard Company and
11 the Land and Irrigation Company.

12 Q Did you make any other use of it?

13 A No, sir-- I planted some into vineyard above the road.

14 Q How much? A About 20 acres.

15 Q Above the road? The San Bernardino road? A Yes, sir.

16 Q You testified to the falling off of the water in 1901.
17 Did you make any investigation to ascertain the causes of
18 the falling off of the water?

19 A Mr. Britt: The question is did you make any investigation
20 to ascertain the cause.

21 A Not closely. I simply noticed that the water was falling
22 off and I thought the cause of it was this pumping and devel-
23 opments on the north and west.

24 Q What did you observe with reference to these develop-
25 ments?

26 A The Fruit Land Company themselves put in pumps, but they
27 didn't seem to--

28 Q You observed those tunnels at the time?

29 A Yes; but it didn't appear--

Q You haven't state what appeared. I only want to know the facts as to what you saw. What else did you see there?

Mr. Britt: I ask that the witness be allowed to finish his answer. He was asked to state what he saw.

The Court: You will have an opportunity to complete the answer on cross examination. Plaintiffs except.

Q What else did you see in the way of development wells or tunnels or anything of that sort put in? A Most of the developments were on the west side of the Red Hill.

Q What did you see down there? A I haven't paid much attention to it. I was attracted by the decrease of the water on the east side.

Q What did you see at all with reference to wells? Did you know anything about a Stowell well being put down? A Yes; I heard of it but I never paid no close attention to it.

Q You know of the fact that it was being put down? A Yes.

Q What did you observe with reference to what was called the Sixteenth Street well? A As far as I know, there is quite a number of Sixteenth Street wells. I don't know how many.

Q And you knew at the various times that the wells were being put down there that additional wells were being put down? Mr. Britt: Objected to as irrelevant and immaterial.

Mr. Haskell: And leading.

The Court: The last objection will be sustained.

Q What did you know about the Skiesouth Street wells?

Mr. Britt: Objected to as irrelevant and immaterial.

The Court: Overruled. Plaintiff excepts.

Q I paid very little attention to it.

Q What did you know? However little it was, tell us about it.

A They have been putting in pumping plants and were pumping water.

Q And you knew that at the time it was being done?

Mr. Britt: Objected to on the ground that it is leading.

The Court: It is rather leading.

1 Q When did you first know that?

2 A Well, I believe the first one had been put down by Mr.
3 Stamm and Frankish.

4 Q Now state whether you knew anything about a well put
5 down by the Ontario Power Company?

6 A I don't know who done the work outside of that.

7 Q State whether you know of any well being put down a
8 little to the west of the Stowell well which you have mention
9 ed?

10 A I never paid much attention to it.

11 Q Well, state whether you knew about it at all or not.

12 A Not that I could testify to.

13 Q State whether you knew anything about the Haskell well.

14 A Well yes, I knew -- I don't know exactly the time when
15 they put it down.

16 Q Well, state whether you knew at the time the work was
17 going on that it was being done.

18 A Yes, but not exactly the date or year; , I didn't pay e-
19 nough attention to that.

20 Q What officers of these companies, the Cucamonga Vineyard
21 Company and the Cucamonga Land and Irrigation Company directed
22 ~~ex~~ you as to your work, and who did you communicate with gen-
23 erally as to matters there?

24 Mr. Britt; Objected to as calling for evidence not the best
25 in its nature, as to who the officers of the companies were
26 The Court: The objection is sustained.

27 Q Who directed you as to your work, in any way?

28 A Well, it was the Company; I co mmunicated through the
29 secretary when any important work was to be done;

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1 Q State whether you ever made any communications to the
2 company with regard to the tunnels and wells that were being
3 put down there?

4 A Yes, sir, as soon as I found the water was decreasing,
5 I thought on account of those wells, and I done it.

6 Q How did you communicate with them, orally or in writing?

7 A In writing.

8 Mr. McKinley: Although that is covered by our previous re-
9 quest, we call particular attention to those matters; if
10 they have any of these writings, we would like to have them.

11 Q State whether you ever had any discussions with any one
12 who came there to direct you?

13 A Yes, sir.

14 Q With whom?

15 A Mr. I. W. Hellman.

16 Q When did you have discussions with Mr. Hellman?

17 A I couldn't tell the year, but I believe it was in 1900.

18 Q What discussion did you have with him at that time?

19 Mr. Britt: Objected to as hearsay and incompetent and in-
20 material.

21 The Court: Is your purpose to connect it?

22 Mr. McKinley: We expect to show that Mr. Hellman was an
23 officer of that company.

24 The Court: Objection overruled.

25 Mr. Britt: With the undertaking to connect it, I agree that
26 it would be competent.

27 A I simply stated the facts that the water was decreasing,
28 and that I believed that the cause of it was those wells and
29 tunnels on the west and north of the property.

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DATE 01-11-2001 BY 60322 UCBAW/SJS

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1 Q What did Mr. Hellman say in regard to it?

2 A He didn't give me much of an answer, -- not a satisfactory
3 one.

4 Q Do you remember any more of the discussion?

5 A Oh, I spoke to Mr. Max Heyberg, Vice President.

6 Mr. Britt: We ask that the statement of the witness as to
7 Mr. Heyberg being Vice President be stricken out.

8 The Court: Struck out.

9 Mr. McInley: We expect to connect it later on by showing
10 who he was. I have no objection to having that stricken out.

11 Q What discussion did you have with Mr. Heyberg?

12 A Nearly the same. It was about the decrease of the water
13 on the east side of the Red Hill.

14 Q When was that?

15 A I believe it was during a period of years.

16 Q What did you say to him about the developments there in-
17 terfering with the water?

18 A I never stated about anybody interfering with the water.
19 I just simply stated that the water was decreasing, and as a
20 cause I thought it was those wells and tunnels, where so much
21 water was drawn from.

22 Q Did you mention which of those wells and tunnels you
23 thought were doing that?

24 A Never mentioned any water.

25 Q Spoke of them generally, I suppose?

26 A Yes, sir. I have been told from time to time when they
27 tapped a new well, how much more water they were getting on
28 the west side of the Red Hill.

29 Q And did you tell Mr. Hellman that also? Did you report

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1 to them the amounts these other people were getting.

2 A Q only could tell them what I had been told.

3 Q Well, did you tell them what you had been told?

4 A Yes, sir. Not to Mr. I. W. Hellman, but to Mr. Heyberg.

5 Q Was there any one else connected with the company that
6 you discussed it with?

7 A Mr. H. W. Hellman, when he was interested.

8 Q When did you have a discussion with him?

9 Mr. Britt: The statement relative to the connection of Mr.
10 H. W. Hellman is objected to on the ground that it is the
11 witnesses's opinion, and I ask that it be stricken out.

12 Mr. McKinley: We will consent to that. Let it be stricken
13 out. We will connect it later on.

14 Q When did you have this discussion with him?

15 A I don't remember the date. He had been looking after the
16 interests of his brother, Mr. I. W. Hellman.

17 Q About when was it?

18 A I believe it was about 1900.

19 Q What talk did you have with him?

20 A Oh, just about nearly the same thing as I have been tell-
21 ing the other people -- the water was decreasing.

22 Q Did you have any discussion with anybody else connected
23 with the Company?

24 A No, I don't think so. I don't remember.

25 Q Did Mr. H. W. Hellman make any reply to your statements?

26 A Not satisfactory.

27 Q What reply did he make at all?

28 A He couldn't give me any satisfaction. He had to commu-
29 nicate first with his brother.

10. The first part of the report is devoted to a general survey of the situation in the country.

11. The second part of the report is devoted to a detailed analysis of the economic situation.

12. The third part of the report is devoted to a detailed analysis of the social situation.

13. The fourth part of the report is devoted to a detailed analysis of the political situation.

14. The fifth part of the report is devoted to a detailed analysis of the cultural situation.

15. The sixth part of the report is devoted to a detailed analysis of the international situation.

16. The seventh part of the report is devoted to a detailed analysis of the future prospects.

17. The eighth part of the report is devoted to a detailed analysis of the conclusions.

18. The ninth part of the report is devoted to a detailed analysis of the recommendations.

19. The tenth part of the report is devoted to a detailed analysis of the annexes.

20. The eleventh part of the report is devoted to a detailed analysis of the bibliography.

21. The twelfth part of the report is devoted to a detailed analysis of the index.

22. The thirteenth part of the report is devoted to a detailed analysis of the appendixes.

23. The fourteenth part of the report is devoted to a detailed analysis of the maps.

24. The fifteenth part of the report is devoted to a detailed analysis of the tables.

25. The sixteenth part of the report is devoted to a detailed analysis of the figures.

26. The seventeenth part of the report is devoted to a detailed analysis of the statistics.

27. The eighteenth part of the report is devoted to a detailed analysis of the data.

28. The nineteenth part of the report is devoted to a detailed analysis of the results.

29. The twentieth part of the report is devoted to a detailed analysis of the findings.

30. The twenty-first part of the report is devoted to a detailed analysis of the conclusions.

31. The twenty-second part of the report is devoted to a detailed analysis of the recommendations.

32. The twenty-third part of the report is devoted to a detailed analysis of the annexes.

33. The twenty-fourth part of the report is devoted to a detailed analysis of the bibliography.

34. The twenty-fifth part of the report is devoted to a detailed analysis of the index.

35. The twenty-sixth part of the report is devoted to a detailed analysis of the appendixes.

36. The twenty-seventh part of the report is devoted to a detailed analysis of the maps.

1 Q State whether Mrx. Heyberg made any reply to you.

2 A All he could tell me was he would lay the matter before
3 the Company at their next meeting.

4 Q Are you able to fix any more definitely as to the time
5 you had the discussion with Heyberg, as to when it was?

6 A No, sir.

7 Q You don't know what year it was?

8 A No, sir; I couldn't tell you the year.

9 Q State whether it was near the same time that you spoke
10 to the others about it?

11 A Oh, that might have been between a space of time of a-
12 bout three years.

13 Q State whether these conversations were before you left
14 the employ of the Company.

15 A Yes, sir.

16 Q Which was the end of July, 1902. That is correct, the
17 day you gave before? You gave the date you ceased to be there
18 as the end of July, 1903. That is the time?

19 A Yes, sir.

20 Mr. McKinley: You don't know whether these reports are still
21 in existence?

22 Mr. Britt: No, I have no information in regard to the matter

23 Mr. McKinley: That is all except when we have the reply as
24 to whether they have the reports or not, we will seek to show
25 the contents, if they have not.

26 The Court: Q You said in these conversations in which you
27 referred to the supply of water failing, that you referred
28 generally to some tunnels or developments. I would like to
29 know definitely as you can give me to understand, in what way

1. The first thing I noticed when I stepped out of the plane was the fresh air. It felt like I had been in a bubble for the last few days.

2. The second thing I noticed was the sound of the birds. They were singing so beautifully, it was like a symphony.

3. The third thing I noticed was the smell of the flowers. They were so fragrant, it was like I had stepped into a garden.

4. The fourth thing I noticed was the sight of the mountains. They were so majestic, it was like I had reached a new world.

5. The fifth thing I noticed was the feeling of freedom. It was like I had been released from a cage.

6. The sixth thing I noticed was the taste of the food. It was so delicious, it was like I had been eating for days.

7. The seventh thing I noticed was the touch of the sun. It was so warm, it was like I had been hugged.

8. The eighth thing I noticed was the sight of the people. They were so friendly, it was like I had been welcomed.

9. The ninth thing I noticed was the sound of the water. It was so soothing, it was like I had been washed.

10. The tenth thing I noticed was the feeling of peace. It was like I had found a home.

11. The eleventh thing I noticed was the sight of the stars. They were so bright, it was like I had been looking up at the sky for years.

12. The twelfth thing I noticed was the feeling of love. It was like I had been held.

13. The thirteenth thing I noticed was the sight of the moon. It was so beautiful, it was like I had been looking at the sky for years.

14. The fourteenth thing I noticed was the feeling of hope. It was like I had been given a new chance.

15. The fifteenth thing I noticed was the sight of the sun. It was so bright, it was like I had been looking at the sky for years.

16. The sixteenth thing I noticed was the feeling of joy. It was like I had been laughing.

17. The seventeenth thing I noticed was the sight of the clouds. They were so soft, it was like I had been looking at the sky for years.

18. The eighteenth thing I noticed was the feeling of calm. It was like I had been breathing.

19. The nineteenth thing I noticed was the sight of the rain. It was so refreshing, it was like I had been showered.

20. The twentieth thing I noticed was the feeling of love. It was like I had been held.

21. The twenty-first thing I noticed was the sight of the stars. They were so bright, it was like I had been looking up at the sky for years.

22. The twenty-second thing I noticed was the feeling of peace. It was like I had found a home.

23. The twenty-third thing I noticed was the sight of the moon. It was so beautiful, it was like I had been looking at the sky for years.

24. The twenty-fourth thing I noticed was the feeling of hope. It was like I had been given a new chance.

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26. The twenty-sixth thing I noticed was the feeling of joy. It was like I had been laughing.

27. The twenty-seventh thing I noticed was the sight of the clouds. They were so soft, it was like I had been looking at the sky for years.

28. The twenty-eighth thing I noticed was the feeling of calm. It was like I had been breathing.

1 you did make that reference. Did you point out the develop-
2 ments you referred to?

3 A No, in general; I just pointed out in general that there
4 were other developments on the north and on the west side,
5 and that I thought they were the cause of decreasing the water

6 Q The north and west side of what do you refer to?

7 A Of the Red Hill.

8 Q Did you ^{point} ~~make~~/your hand in that direction when you referred
9 to them, or did you describe them?

10 A I described it plainly enough; when I discussed it with
11 them it was not in Cucamonga. I happened to be in Los Ange-
12 les.

13 Q But you referred to the Red Hill and the development of
14 on the north and west of the Red Hill?

15 A Yes, sir.

16 -0-

17 JOHN MADDOCK.

18 John Maddock, recalled for defendants, previously sworn,
19 testified as follows:

20 Direct Examination.

21 By Mr. McKinley: Q Will you state whether you know any-
22 thing about the Haskell well being put down?

23 A Yes, sir.

24 Q When did you hear about that?

25 A Well, I don't remember no dates at all; but that is
26 the only well I am acquainted with. I know from the time
27 that Mr. Haskell was pumping it.

28 Q State whether you heard about the San Antonio Water Com-
29 pany's buying it --

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1 Mr. Britt: Objected to as irrelevant, immaterial and in-
2 competent.

3 Mr. McKinley: He is one of the predecessors in interest of
4 the Old Settlers Water Company. It don't mind any one else
5 but himself.

6 Mr. Britt: I was not aware that he was connected with it.

7 Q You heard these things before you transferred your water
8 right to the Old Settlers Water Company, which was in 1902.

9 A According to my recollection there was no development done
10 at the time before our transfer.

11 Q Before you transferred your water right in December, 1902
12 to the Old Settlers Water Company, hadn't you heard about it
13 before that?

14 A There was no development done until after that. We
15 surely transferred before that.

16 Q Do you mean when you organized your corporation and trans-
17 ferred your property?

18 A Oh, I thought you meant the time when we transferred to
19 Lynch.

20 Q No. I mean the transfer to your own company, which you
21 are conducting now. You heard about it before that, didn't
22 you?

23 A Yes, sir, before that.

24 Q State whether you heard about the San Antonio Water
25 Company buying the Haskell property.

26 A Yes, sir.

27 Q And improving the well?

28 A Yes, sir.

29 Q And conducting the water to Ontario?

The first thing I noticed when I stepped out of the car was the cold. It was a sharp contrast to the warm blanket of the car. I shivered as I walked towards the entrance of the building. The air was thick with the scent of old books and the sound of footsteps on the polished floor. I looked up at the ornate ceiling, admiring the intricate details of the chandeliers and the frescoes on the walls. The atmosphere was one of quiet elegance and intellectual pursuit. I felt a sense of belonging as I entered the grand hall, knowing that this was a place where great minds had gathered and where I, too, was about to contribute. The silence was not empty; it was a testament to the countless hours of study and the shared passion for knowledge that filled the room. As I moved through the corridors, I noticed the way the light filtered through the stained glass windows, creating a soft, ethereal glow. The architecture was a masterpiece of its time, with every corner designed to inspire and challenge the mind. I took a deep breath, feeling the cool air fill my lungs, and knew that this was my chance to shine. The journey ahead was long, but the destination was worth the effort. I walked with purpose, my heart set on the path of discovery and innovation. The world was my oyster, and I was determined to unlock its secrets. The first step was the hardest, but I was ready to take it. The grand hall was my stage, and I was about to make my debut. The silence was my ally, and the light was my guide. I was ready for whatever came next. The journey was just beginning, and I was excited for the challenges ahead. The first step was the hardest, but I was ready to take it. The grand hall was my stage, and I was about to make my debut. The silence was my ally, and the light was my guide. I was ready for whatever came next. The journey was just beginning, and I was excited for the challenges ahead.

1 A Yes, sir.

2 Q State whether you heard about that about the time that
3 it was done.

4 A Yes, sir, I heard about that.

5 Q State whether you heard anything about the Stowell well
6 at the time it was put down, and the sale of the 130 inches
7 to the San Antonio Water Company?

8 A Yes, sir, I heard about it.

9 Q And state whether at the time a case was pending in regard
10 to that you heard about it, the time of the McHerson case,
11 seeking to attack that transfer was brought and being tried,
12 whether you heard about it at that time?

13 A Yes, sir.

14 Mr. Britt: We object to that question as immaterial, making
15 the objection for Mr. Waters, he being absent.

16 The Court: The objection is overruled.

17 Mr. Britt: Exception.

18 Mr. Hollinley: He has answered the question, but I am will-
19 ing the objection should come in ahead of the answer.

20 Q State whether you heard anything about additional wells
21 being put down in the neighborhood of the Stowell well?

22 A Yes, sir.

23 Q Did you know about the existence of the Power Company
24 and its putting down a well?

25 A Well, I don't know the names, or anything about it. I
26 know they put wells down there, but I don't know who done it.

27 Q And the 16th Street wells, did you hear anything about
28 them?

29 A Yes, sir, I have heard about them; yes, sir.

1. The first part of the report deals with the general situation of the country and the progress of the work done during the year.

2. The second part deals with the results of the work done during the year.

3. The third part deals with the results of the work done during the year.

4. The fourth part deals with the results of the work done during the year.

5. The fifth part deals with the results of the work done during the year.

6. The sixth part deals with the results of the work done during the year.

7. The seventh part deals with the results of the work done during the year.

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9. The ninth part deals with the results of the work done during the year.

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11. The eleventh part deals with the results of the work done during the year.

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15. The fifteenth part deals with the results of the work done during the year.

16. The sixteenth part deals with the results of the work done during the year.

17. The seventeenth part deals with the results of the work done during the year.

18. The eighteenth part deals with the results of the work done during the year.

19. The nineteenth part deals with the results of the work done during the year.

20. The twentieth part deals with the results of the work done during the year.

Q State whether you saw pipe lines being put down?

A Yes, sir.

Q While they were putting them down?

A Yes, sir.

Q Did you see the 100th Street well and pumping plants?

A No, I never was up to them at all.

By Mr. Britt: Q You didn't see any of these plants in operation, these pumping plants.

A Yes, I could see the steam from them, see the escape from them, but I don't know anything about any line of wells but the Haskell well; I never was around any of them, and know nothing about them, but the Haskell well.

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FRANKLIN COGSWELL.

Franklin Cogswell, a witness called by defendants, being first duly sworn, testified as follows:

Direct Examination.

By Mr. Joliffe: Q Where do you live?

A In Pomona.

Q Where were you living in 1877?

A Well, my ~~residence~~^{headquarters} were down nearer the Santa Ana River; I was in the sheep business, but I rented the San Antonio portion of the Cucamonga grant as I understood it to be, the land south of the mouth of San Antonio Canyon, in the fall of 1876.

Q And during the years 1876 and 1877, state whether or not you had occasion to observe the condition of things around in the vicinity of Cucamonga with reference to how much water there was there?

1 A Well, the fall and winter fallow of 1876 and 1877 was a
2 very dry year. There was water crossing the old stage road
3 just west of Cucamonga -- the old Cucamonga -- I don't know
4 anything about the new Cucamonga much -- I haven't been there
5 but once or twice -- the old Cucamonga winery about a quar-
6 ter or half a mile west of it; there was a wash there, and
7 there was water; I watered sheep there. But in the summer
8 of 1877 and 1878 I think that dried out at the road, but
9 there was some water up among the sycamores above; well,
10 there was a wash there, and water from that cienega which is
11 is above the old Red Hill there, flowed down in the brush there
12 but I think not across the road, in the summer and fall of
13 '76 and '77 -- in the fall of '77 -- was very dry.

14 Q At that time the water did not reach the road, according
15 to your recollection?

16 A As I remember, it did not reach the road, and I have seen
17 in the spring of the year quite a good flow of water there.

18 Q Do you remember the condition of things at the other
19 branch of the creek, the one immediately west of the winery?

20 A That is the one I am speaking of, flowing immediately
21 west of the winery -- immediately west of the hill.

22 Q The other branch known as the east branch of the creek;
23 do you remember the condition of that?

24 A That had less water than the one west, as I remember.

25 Cross Examination:

26 By Mr. Britt: Q On the east side, what Mr. Jolliffe has
27 referred to as the east branch of the creek, did you ascend
28 the creek up among the brush and trees and willows and syc-
29 amores, on the east side of the Red Hill, to see how much water

1 was flowing there.

2 A Not to see how much water was flowing there, but I had
3 sheep all through the brush, and even up on the cienegas;
4 on the hill to the east of that wash, that creek, I had my
5 sheep up there several times, and through the brush from
6 there west to where Ontario now stands.

7 Q Well, this brush that you speak of, or rather the trees
8 at any rate, grow only along those washes, or on the west
9 side to the one on the east side of the Red Hill? Is't
10 that true?

11 A No. There was some sycamores ~~there~~ grow out some little
12 piece from the wash as I remember.

13 Q Not very far?

14 A No, not very far.

15 Q The country west of the Red Hills and towards the present
16 town of Ontario, was mostly a desert waste, wasn't it?

17 A Well, it didn't afford much feed; I will tell you that;
18 I lost a good many sheep before I got back to the Santa Ana
19 river; but we were glad to get brush or anything, and there-
20 fore I ran them through the brush there; I was glad at that
21 time to get anything that sheep would browse on, and I was
22 in there, and I think there was some permanent water there;
23 plenty to water sheep, up in that cienega; but I think
24 there was none running across the road. Oh, there was a
25 wash there that was at least 10 feet wide, where the old stage
26 road crossed the road west of the hill.

27 Q And on the east side there was another, on the east side
28 of the Red Hill?

29 A On the east side of the hill I don't remember any water
flowing down across the road.

1 Q But there was a wash there?

2 A Yes, sir.

3 Q At that time had the winery been built?

4 A Oh, land, yes.

5 Q There was a large vineyard there, was there?

6 A There was quite a vineyard there, and old vines; the
7 winery had been there for a good many years as I understood.

8 Q And there was a big vineyard there?

9 A Yes, sir, there was a vineyard there.

10 Q Wasn't it a big one?

11 A Well, not big, compared with the vineyards in that sec-
12 tion of country now; I don't know how many acres. Yes, I
13 would call it a large vineyard.

14 Q Was that vineyard fenced in?

15 A Yes, sir, it was fenced.

16 Q Were those buildings on the east side of the Red Hill
17 fenced, theaines hotel?

18 A On the east side?

19 Q Yes, weren't they fenced in?

20 A I don't remember any buildings on the east side of the
21 hill. Do you mean north of the old stage road?

22 Q Yes. Wasn't there a brick hotel in there along about
23 1877?

24 A Oh, yes; there was a hotel on the north side of the road
25 kept by a man named Smith; Yes, I remember it.

26 Q That was on the east side of the Red Hill, wasn't it?

27 A Yes. Right up from the old Encarnanga store.

28 Q Yes, I have heard so.

29 A Yes, I remember it now distinctly. I have not thought of

1 that subject; I have not been there much, and I have got
2 to pick up the threads of memory a good deal.

3 Q Yes, that is 30 years ago and more. Now, alongside of
4 that brick hotel, and immediately around it, do you remember
5 whether there was an orchard and a quantity of cultivated
6 land?

7 A I think there was something, and it seems to me there
8 were some lime trees there.

9 Q And walnut trees, walnut orchards?

10 A Yes, sir, there were a few large walnut trees - old wal-
11 nut trees there.

12 Q Was there a fence around those improvements, including
13 those improvements and a tract of land adjacent?

14 A Well, I don't remember any fence; it seems to me there
15 was a front fence there, but I don't remember any fenced in
16 land; it might have run around by the --

17 Q Did you pay any attention to the cienegas above this old
18 hotel on the east side of the Red Hill?

19 A The cienegas?

20 Q Yes, the cienega?

21 A Yes, I had sheep in there a time or two, and there was
22 quite a cienega there; there was some spots of boggy land,
23 because I had some sheep bogged in there once.

24 Q Were your sheep regularly grazing on those lands at that
25 time, those cienega lands above the hotel? When I say above
26 I mean to the north.

27 A Yes.

28 Q Did your sheep graze on those cienega lands?

29 A Well, I didn't have that rented, but I had them there;

[illegible]

1 I crossed there two or three times, or several times-- the
2 spring and summer of '78 and '79 -- I had all the Cucamonga
3 grant rented that lay east of the vineyard, two years; I had
4 it rented two years, all that lay east of the vineyard --
5 well, all between there and the brush; it wasn't a great way
6 and there was a lot of brush, and the brush commenced then,
7 and extended clear to Colton pretty near.

8 Q You did not have rented the cienega land?

9 A No, I did not have any right to that.

10 Q Your sheep strayed in there, or got in there, and bogged
11 down?

12 A Well, I crossed there a time or two -- carried there a
13 time or two, or night, the time that I got the sheep bogged;
14 the coyotes got amongst them.

15 Q How many sheep did you have in the neighborhood?

16 A I started in that August with 3500; I bought an interest
17 in two bands, and put them together, and I came out the next
18 year with about 2,000, I believe, or less than 2,000, and I
19 don't remember how many I lost up in there, but I lost 12 or
20 15 hundred sheep; I must have had somewhere from 2500 to
21 3000 sheep at that time I think; I had a good big band, what
22 we call a big band; we call 2,000 a good fair band.

23 Q That was in August, '77, was it?

24 A No, it was after that -- No; it was in the fall of '76,
25 I am speaking of now. In '78 and '79, when I rented the east
26 ern portion of the Cucamonga grant I did not have so many. I
27 had about 2,000.

28 Q I was trying to get at the time when you noticed that the
29 water was not running across the road.

A Well, that was in the fall of 1877.

...and I have been thinking of you very much lately. I
am sure you are well and happy. I hope you are
enjoying your life. I have been thinking of you very
much lately. I am sure you are well and happy. I
hope you are enjoying your life. I have been thinking
of you very much lately. I am sure you are well and
happy. I hope you are enjoying your life. I have been
thinking of you very much lately. I am sure you are
well and happy. I hope you are enjoying your life.

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I am sure you are well and happy. I hope you are
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enjoying your life. I have been thinking of you very
much lately. I am sure you are well and happy. I
hope you are enjoying your life. I have been thinking
of you very much lately. I am sure you are well and
happy. I hope you are enjoying your life. I have been
thinking of you very much lately. I am sure you are
well and happy. I hope you are enjoying your life.

Q A very dry year. A year of great drouth, wasn't it?

A Yes, sir, it was a year of great drouth. The two years following that I had the eastern portion; I was in Cucamonga a good deal then; in fact I traded at the Cucamonga store.

Q Now, in the fall of 1877, the dry year when you took your ~~hax~~ sheep in there, where did you get water for your sheep?

A Well, in the fall of 1877, at the little stream west of the hill.

Q Red Hill?

A Yes, sir, the Red Hill; I never saw the time there that there wasn't water standing among the trees in little holes sufficient for sheep.

Q You had ~~had~~ that land rented, did you?

A No; in the fall of 1876, I had the San Antonio portion rented; no, I never had that cienega rented. I didn't understand that my renting of the east portion of the Cucamonga grant included that cienega.

Q I was speaking about the stream on the west side of the Red Hill, if that was included in the portion of the grant which you had rented in the fall of 1877?

A I was allowed to water sheep there.

Q Were there other stock watering there also?

A No, not to any extent. There might have been a few cows for aught I know; I don't know whether any persons there had any cows or not, but there was no band of stock, nothing, only there might have been a few estrays.

Q Did you ~~take~~ your sheep into that district because you could obtain water in that locality for them?

1 Mr. Joliffe: To which we object as not proper cross-exami-
2 nation.

3 The Court: The objection is overruled.

4 A Why no; water was not all that sheep needed; I was after
5 feed.

6 Q Water was a part of what they needed?

7 A It was a part of what they needed; and when I got up
8 there of course I had to water; between there and the Santa
9 Ana River it was a pretty long drive without water, and when
10 I got up there I wanted water as bad as I did when I got to
11 the Santa Ana River; I was scouting around in the valley for
12 feed.

13 Q Well, there was no water between that point, that local-
14 ity where you were accustomed to water the sheep and the west
15 side of the Red Hill, and the Santa Ana River, was there?

16 A No.

17 Q What distance was that?

18 A Well, I don't know how far it is from there to the Santa
19 Ana river.

20 Q Well, about?

21 A I don't know as I could give what would be called an ap-
22 proximate guess, but I should say ten miles.

23
24 Mr. Haskell: Q As I understand it, you rented the west
25 side of the Red Hill in 1876?

26 A Yes, sir.

27 Q But you did not rent the cienega?

28 A I did not understand that to be included; I don't remem-
29 ber now who did claim it.

1. The first step is to identify the problem or goal. This involves understanding the current situation and what needs to be achieved.

2. Next, it's important to gather information and resources. This could involve research, consulting experts, or identifying potential obstacles.

3. Once you have a clear understanding of the problem and the resources available, you can begin to develop a plan. This plan should outline the steps you need to take to achieve your goal.

4. After developing a plan, it's time to implement it. This involves putting the plan into action and monitoring progress along the way.

5. Finally, once you have achieved your goal, it's important to evaluate the results. This involves reflecting on what worked well and what could be improved for future projects.

1 Q But you did water your sheep on the west side?

2 A Yes, sir.

3 Q Now, in '78 and '79, you rented the east side of the Red
4 Hill, did you?

5 A Yes, sir.

6 Q But you did not rent the cienega portion on the east
7 side?

8 A The cienega portion, no sir.

9 Q And that cienega portion covered two or three hundred
10 acres, didn't it, or about that?

11 A Oh, yes, there was quite a piece up there above that Red
12 Hill.

13 Q And you didn't run your sheep on ground where you did not
14 rent?

15 A I did not; but I did cross it several times; but I did
16 not stop there but one night; I remember one night of camp-
17 ing on that cienega.

18 Q You didn't water your sheep on the cienegas?

19 A Oh, yes. I crossed grants when I had to with my sheep,
20 and took the chances of being sued.

21 Q Well, you crossed there about how many times?

22 A Oh, I don't know; not many times; because my -- because
23 in '78 and '79, when I rented the eastern portion of the
24 Cucamonga grant and staid there in the winter and spring,
25 I did not cross that place but a very few times; and when
26 the sheep did need water -- they didn't need water and ~~spring~~
27 in the winter and spring, but when the feed was dry they did,
28 and I went down to the Santa Ana River.

29 Q So you observed the cienegas on the east side during x

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1 '77 and '78 but very little.

2 A No -- just simply as I crossed it; that was about all.

3 Q Now, can you tell precisely at this time, what portion
4 of the cienega you crossed, whether it was the upper portion
5 or the lower portion? Wasn't it in fact the upper portion of
6 the cienega?

7 A I think it was --

8 Q Don't you remember that the lower portion of that cienega
9 and the main portion of the cienega is barred from crossing
10 by a steep bluff on the west side 40 or 50 feet high in some
11 places?

12 A Well, yes, it seems to me there was.

13 Q Well, then if you crossed it, it must have been by way of
14 that road past the winery, or the very upper portion of the
15 cienega? Isn't that true?

16 A No, I camped on the lower portion, close to that hill;
17 that is where I got some sheep bogged; I remember that dis-
18 tinctly, because I had some trouble there; that fixes it in
19 my mind, the lower portion where it was boggy.

20 Q In 1879, wasn't there a large stream of water there in
21 the summer time flowing out of that cienega, across that road

22 A I think in the fall of 1879 that it didn't cross the road,
23 but it might have done so; that is my recollection.

24 Q Don't you remember that the winter of 1878 was a wet win-
25 ter?

26 A Yes. The winter of -- No, -- let me see -- '76-'77 --
27 yes; the winter of '78 was a wet winter.

28 Q The winter of '76-'77?

29 A The summer of '77 was the dry year. Five inches of rain

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1 fell only.

2 Q And so practically, absolutely, there was no feed that
3 started out of the ground anywhere, was there?

4 A No grass.

5 Q Started out of the ground that year?

6 A Very little.

7 Q What did start, started in November of '76?

8 A No; there was a spring shower that brought up a little
9 fillaree, and that helped to save me some, -- in the spring.

10 Q Now, are you prepared to say that you had any knowledge
11 upon which you can testify as to the quantity of water flow-
12 ing in the east side stream during the years of '78 and '79?

13 Mr. Joliffe: Objected as not cross-examination, because he
14 was not interrogated as to the waters on the east side stream
15 during '78 and '79. The direct examination was addressed
16 to the year 1877.

17 The Court: The objection is sustained.

18 Q How many times did you cross the east side stream in
19 1877?

20 A Oh, I can't say; I swung around through there on the
21 road once or twice, in scouting for feed, and got out about
22 where Ontario is now, and got into difficulties with Major
23 Hancock out in there. Old Major Hancock, that claimed the
24 whole country there, and as much more as he could get. He
25 ordered me off. I remember swinging along the road that time
26 with my sheep, up through Cucamonga.

27 Q All the observation that you made of that stream at that
28 time was from the road, wasn't it?

29 A Yes, just passing over it; I didn't take any particu-

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lar notice of it.

Q You didn't go up to see whether the stream had been diverted for irrigation or any other purpose, did you?

A No, I don't think I made any investigation. I had no occasion to, but I observed it only as I had to cross it with my sheep.

Q And you couldn't tell whether or not it was diverted for irrigation above the road, could you, as a matter of fact?

A As I have testified, I think it didn't cross the road; while I believe there was never a time that I didn't find plenty of water above among the sycamores; that is, on a line east and west with the hill; the road passes south of the hill; I didn't cross any Red Hill; I didn't cross the Red Hill only the last part of it; the Red Hill was all to the north of the ~~stage~~ stage road, and is yet I think.

(Last question read to witness).

A I don't remember any diversion for irrigation above the road.

Mr. Laskell: I move to strike out the answer of the witness as not responsive to the question.

The Court: The motion is denied.

A I am not going to say that I know that there was no irrigation there -- from that Red Hill.

The first thing I noticed when I stepped out of the car was the cold. It was a sharp contrast to the warm blanket I had been sitting under. I took a deep breath, feeling the crisp air fill my lungs. The world around me seemed to be holding its breath, waiting for something to happen. I looked up at the sky, where a few stars were beginning to peek through the clouds. It was a beautiful sight, and I felt a sense of peace wash over me.

I walked slowly, feeling the ground beneath my feet. It was a mix of soft grass and hard pavement, and it felt like a journey. I had never before, and it felt like I was discovering something new. The night was quiet, but there was a hum of life around me. I could hear the distant sounds of traffic, the rustle of leaves, and the soft hum of a nearby building. It was a symphony of sounds that I had never before. I felt like I was part of something big, something that was happening all around me. I took another deep breath, feeling the air fill my lungs. It was a moment of pure joy, and I knew that I was exactly where I needed to be.

I looked down at my hands, which were clenched into fists. I had never before, and it felt like I was discovering something new. The night was quiet, but there was a hum of life around me. I could hear the distant sounds of traffic, the rustle of leaves, and the soft hum of a nearby building. It was a symphony of sounds that I had never before. I felt like I was part of something big, something that was happening all around me. I took another deep breath, feeling the air fill my lungs. It was a moment of pure joy, and I knew that I was exactly where I needed to be.

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2300
1 N. S. Milliken

2 N. S. Milliken, a witness previously sworn, recalled for
3 defendants, testified as follows:

4 Direct Examination.

5 By Mr. McKinley: Q You are the son of D.B. Milliken?

6 A Yes,, sir.

7 -o-

8 D. B. MILLIKEN.

9 D.B. Milliken, a witness previously sworn, recalled for de-
10 fendants, testified as follows:

11 Direct Examination:

12 By Mr. McKinley: Q Did you have any information of the put-
13 ting down of the Haskell well at the time it was put down?

14 A No, sir, I heard they were putting one down, is all.

15 Q State whether you heard of the purchase of that property
16 by the San Antonio Water Company, and the deepening of the
17 well and the putting down of another one, and the carrying
18 of the water over to Ontario?

19 A I heard it talked over; I knew nothing about it.

20 Mr. Britt: Objected to as being many questions in one.

21 We think it should be divided.

22 Q State whether you heard of the purchase of that property
23 by the San Antonio Water Company about the time the purchase
24 was made?

25 A I couldn't say.

26 Q State whether you heard of the fact that the San Antonio
27 Water Company was deepening that well and putting down another
28 well on that property.

29 A I couldn't say; I may have heard it; I can't remember.

A. J. A. M.

1 Q State whether you heard anything about the carrying of
2 water from that property over to Ontario by the San Antonio
3 Water Company?

4 A Oh, I think I have, but I couldn't say positively.

5 Q And about the time that it was done?

6 A About the time they were doing considerable work up
7 through that country.

8 Q State whether you heard of the 16th Street wells being
9 put down by the San Antonio Water Company?

10 A I couldn't say.

11 Q Did you ever see those wells at 16th Street?

12 A Not to know them.; I wouldn't know them one from the
13 other.

14 Q Did you see wells up there, pumping plants?

15 A No, sir.

16 Q State whether you knew about the putting down of a well
17 by Stowell, and the selling of the same to the San Antonio
18 Water Company by Stowell and the Cucamonga Fruit Land Compa-
19 ny?

20 A Oh, I heard it, but I don't remember anything about it.

21 Q State whether you heard of the fact that a suit was brought
22 to restrain the taking of that water by the San Antonio Water
23 Company?

24 A I don't remember of it.

25 Q Never heard anything about the case, in regard to that
26 at all?

27 A I may have heard of it but I don't remember.

28 Q The case that I refer to is called the McPherson case,
29 McPherson against the San Antonio Water Company; did you

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1 ever hear that discussed?

2 Mr. Britt: Objected to as irrelevant and immaterial.

3 The Court: Overruled.

4 Mr. Britt: Exception.

5 A I have, but I can't place it.

6 Q At about the time it was tried?

7 A I couldn't say; I don't know; I don't remember.

8 Q About how long ago did you hear that?

9 A That I couldn't tell anything about it.

10 Q Did you ever discuss with any one the proposition that
11 wells were being put down and water carried over to Ontario
12 by the San Antonio Water Company which decreased the water in
13 the Cucamonga springs?

14 A I don't remember of it.

15 Q Don't remember of discussing that matter at all?

16 A No, sir.

17 Mr. Haskell: What is the object of this examination?

18 Mr. McKinley: Well, I have been doing this for two or
19 three days, and I supposed the counsel would know by this
20 time what the object was; the object is to charge Turner
21 with notice of the developments, Mr. Milliken having testi-
22 fied that he was the agent of Mr. Turner.

23 The Court: * You have pleaded an estoppel as against these
24 parties.

25 Mr. McKinley: Yes, sir.

26 Q State whether you heard anything about the putting down
27 the wells of Howell.

28 A I am very sure if I heard of those things -- of work
29 being done from time to time.

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1 At the time.

2
3 Mr. Curtis, Q Are you familiar with the Sunset Water
4 Company's wells?

5 A I don't know.

6 Q Don't you know of a couple of wells in Queensway that
7 are owned by the Sunset Water Company?

8 A I have heard of those things; I never looked the matter
9 up at all, to know anything about it.

10 Q Have you ever been to the wells?

11 A No, I don't remember that I have.

12 Q Did you hear about them when they were being bored?

13 A I heard of there being improvements made.

14 Q About the time that the improvements were being made?

15 A I think there were men at work.

16 Q Did you see the pipe line that was being constructed
17 by the Sunset Water Company at the time it was being con-
18 structed?

19 A I don't remember it.

20 Q You don't remember it?

21 A No.

22 Q Well, you know of a pipe line being constructed did you
23 not from the Sunset Water Company's wells to the lands of
24 the stockholders of the Sunset Water Company?

25 A No, I am not acquainted enough with that range of coun-
26 try to know and don't know.

27
28 Mr. Conner, Q Do you know where a well belonging to the
29 Perissa Water Company is situated?

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1 Q. No, sir.
2 Q. Do you know May here & will find out if any project
3 some years to irrigate some land in some place, about
4 May 10.
5 Q. Will you ever hear of that well?
6 A. I don't know; I say that but I don't remember.
7 Q. Now I want to ask you the question with
8 Mr. McKinley & state whether you ever saw any pipe lines
9 being constructed from the neighborhood of the Red Hill
10 to Waterloo?
11 A. No, I don't remember that I have.
12 Q. Now I want to ask you the question with
13 Mr. McKinley & state whether you ever saw any pipe lines
14 George J. Ryan, a witness called for defendant being
15 first July sworn, testified as follows:
16 Q. Direct examination.
17 Q. Mr. McKinley & state to you whether
18 A. I reside at my ranch up here side of Okauchee.
19 Q. You are one of the intervenors in this case?
20 A. Well, I don't know whether I am or not; there are so many
21 of those cases I don't know whether I am or not.
22 Q. The Court, & you are one of Mr. McKinley's friends?
23 A. Yes, sir.
24 Q. Mr. McKinley & state to you whether
25 you claim this water right? Where is that land?
26 A. Yes, it is on Turner Avenue and San Bernardino road,
27 corner of Turner Avenue and San Bernardino road; that is
28 the piece of land that we have in dispute.
29 Q. That is the piece of land for which you receive water

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1 A Yes, sir; we used to.

2 Q How long is it since you received any?

3 A Well, I guess it is about six or seven years since
4 they shut it off.

5 Q State whether you knew anything about the putting
6 down of the Ashbell well?

7 A What I have heard about as the Ashbell well.

8 Q When did you first hear about it?

9 A Oh, I don't know; I have heard about it for quite a
10 little while.

11 Q State whether you heard of the purchase of that well by
12 the San Antonio Water Company?

13 A Well, I couldn't say in regard to that; I don't know.

14 Q State whether you heard that the San Antonio Water Company
15 deepened that well and put down another well and took water
16 from there to San Antonio?

17 A I couldn't say; I know they were sinking some wells over
18 there, but I never was familiar with them.

19 Q You did know that the San Antonio Water Company was sink-
20 ing some wells over in the neighborhood of the Springs?

21 A Yes, sir.

22 Q How long have you known that?

23 A Well, ever since they started in to sink the wells; I have
24 been by, but I never stopped to see what it was. But I always
25 heard that it was the San Antonio Water Company that was
26 doing the work.

27 Q State whether you saw pipe lines which were being con-
28 structed?

29 A No.

at the end of the year

the year 1891 was a very successful one

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the year 1907 was a very successful one

the year 1908 was a very successful one

the year 1909 was a very successful one

the year 1910 was a very successful one

the year 1911 was a very successful one

the year 1912 was a very successful one

the year 1913 was a very successful one

the year 1914 was a very successful one

the year 1915 was a very successful one

the year 1916 was a very successful one

the year 1917 was a very successful one

the year 1918 was a very successful one

Q You never noticed that?

A No, sir.

Q State whether you heard anything about a case pending in this court in which it was sought to enjoin the taking of water from that region over to Ontario?

A Yes, sir; I have heard there was such a case.

Q Did you hear of that about the time it was tried?

A No.

Q When did you hear of it?

A I couldn't say.

Q A good many years ago?

A No, I don't think it was over three or four years ago since I heard the first talk.

Cross Examination.

Mr. Haskell, Q You are still getting some water?

A I get some water down at the ranch that I never had no trouble with, four inches of water on the main ranch, section 12.

Q That comes through the main pipe line from the Tucuman Water Company?

A Yes, sir.

Q Through their system?

A Yes, sir.

Mr. Curtis, Q Are you acquainted with the Sweet Company's wells?

A No, sir.

Q Do you have a Sweet Water Company that is operating at Tucuman?

1. The first of these is the

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29. The twenty-ninth is the

1 I know there is such a company up there, but I couldn't
2 show you which well belonged to them to save my life; I never
3 kept no track of them; there are so many wells up there, and
4 never had no interest in the sinking of them, and never
5 bothered about them.

6 Q Didn't you hear about them sinking those wells a few
7 years ago?

8 A Why, yes; I have heard that there was such a company
9 that had wells up there, but I couldn't tell you where they
10 are.

11 Q Were you not invited to become a member of the United
12 Water Company?

13 A I have heard that there was such a company there, yes.

14 Q Didn't you hear that company was being organized a few
15 years ago for the purpose of sinking wells to irrigate their
16 lands?

17 A Well, I had that general opinion of it but I don't know
18 how I got it; I suppose just by hearing the people talk;
19 I can't know anything about the irrigation.

20 Q Were you not invited to become a member of the organiza-
21 tion?

22 A No, sir; not that I know of.

23 Q But wouldn't your wife or sister called about at the place
24 they were being organized?

25 A Yes, sir; I heard there was a company up there of that
26 name that were sinking wells, and I think I have heard they
27 had a pipe line down to their places; but I am not certain
28 about that; I can't know where the pipe line runs or who
29 the people are that are making that water.

1 Q. And you do remember of hearing that they were sinking
2 their wells and constructing a pipe line from the wells to
3 the lands of the stockholders?

4 A. Yes, sir; I have heard that.

5
6 Q. Now, do you know the region of country where the
7 Larnosa Colony is situated?

8 A. Yes, sir.

9 Q. Do you know where their well is situated?

10 A. No, I never have seen their well; they had water running
11 from the old channel a little above, when I was up there
12 first, and I always supposed they got their water there.

13 Q. Did you ever hear of the Larnosa Water Company sinking
14 a well to irrigate the Larnosa Colony?

15 A. No, I didn't know anything about that; I haven't been up
16 there for years.

17 Q. Did you hear of their water being short some years ago,
18 and their sinking a well to secure additional water?

19 A. No, sir.

20 Q. You don't know that they have a well?

21 A. No, I don't know anything about it.

22
23 Q. Now, the water that you receive at your place
24 below, you receive, or stock of the Larnosa Water Company?

25 A. No, it is from a well.

26 Q. From a well?

27 A. Yes, sir; I don't own any stock in the Water Company
28 at all; I got a good to four inches of water for that place.

29 Q. For the place below?

1 Q Yes, sir.

2 Q What have you for the deed of this place?

3 A I didn't have nothing; I had a deed when I bought the
4 10 acres from Mr. Hutchman, & got a deed to the land with
5 the water right, but the water right at that time was not
6 established, how much it would be, but we finally agreed
7 we were getting an inch to ten acres; we used the water -
8 first we used the water out of the ditch; we were at the lower
9 end of the ditch at that time; and then finally they put in
10 pipe and put a hydrant at the corner, and we used it there for
11 some - I don't know - six or seven years - before they shut
12 it off.

13 Q Where put these improvements in?

14 A Why it was Mr. Lynch was the general manager.

15 Q Is that place planted in anything?

16 A Yes, sir; we have got grapes and some oranges and lemons -
17 a few.

18 Q What do you irrigate with?

19 A Up to the time I sold it - I have sold it -- up to the
20 time I sold it I let it go there for several years without
21 any water and the trees pretty near all - they got sick and
22 some of them died; the vines stood it better than the trees
23 did.

24 Q Had they been irrigated before, the vines?

25 A Yes, sir; they had been irrigated.

26 Q They stood it better than the trees: What condition
27 were the vines in when you sold it?

28 A Well, they got down, up there - About fifteen acres of
29 vines, they got down so they didn't produce very much;

OFFICIAL REPORTER

The first thing I noticed when I stepped out of the car was the cold. It was a sharp contrast to the warm blanket I had been sitting under. I looked up at the sky, which was a pale, hazy blue. The air was crisp and clean, a welcome change from the stuffy car. I took a deep breath, feeling the cool air fill my lungs. The sun was just starting to rise, casting a soft glow over the landscape. The trees were bare, their branches reaching out like skeletal fingers. The ground was covered in a thin layer of snow, which glistened in the morning light. I walked towards the house, my boots crunching on the snow. The house was a simple, two-story building with a chimney. The windows were dark, suggesting it was still early in the morning. I unlocked the door and stepped inside. The interior was warm and inviting. A fire was burning in the hearth, casting a warm glow. The air smelled of pine and wood. I took off my coat and hat, feeling a sense of relief. I looked at the clock on the wall, which showed it was 8:00 AM. I sighed, realizing I had to get ready for work. I walked towards my room, which was at the end of the hallway. The door was slightly ajar, and I could see the bed. I opened the door and stepped inside. The room was cozy and comfortable. I got up, pulled on my pajamas, and went to the bathroom. I looked at myself in the mirror, feeling a sense of calm. The water was hot, and I let it run for a few minutes before getting in. I closed my eyes and let the water relax me. The sound of the water hitting the tiles was soothing. I stayed in the bath for a while, enjoying the warmth. When I finally got out, I wrapped myself in a towel and went to the kitchen. I made a cup of tea and sat at the table, looking out the window. The morning was peaceful and quiet. I took a moment to appreciate the simple pleasures of life. The tea was perfect, and the view was beautiful. I smiled, feeling a sense of contentment. The day was just beginning, and I was ready to face whatever came my way.

1 probably half a ton to the acre.

2 Q Who did you sell to?

3 A Mrs. Field.

4
5 Mr Britt, Q Where is that vineyard situated.

6 A That is Turner Avenue; it is inside of the old ranch;
7 It is Turner Avenue and San Bernardino road; I don't
8 know the section they call that; in fact I don't think that
9 land is laid off in sections is it?

10 Q Where is it with reference to the Cucamonga Vineyard
11 Company's vineyard?

12 A It is about, I should judge a half a mile east of the
13 old Cucamonga Vineyard on the San Bernardino road.

14
15 Mr McKinley, Q Where does the water come from that goes to
16 the other place?

17 A Through the Cucamonga Water Company pipe line.

18 Q Do you know what place it is taken out?

19 A Taken out right at my corner.

20 Q I mean where it is put into the pipe?

21 A Well, they used to bring it there from the store - from
22 the reservoir, and there wasn't pressure enough, and
23 they brought it from above.

probably half a ton in the water.

I am old and well but

I am strong.

My father's death is a great tragedy to me.

A year is a long time to be in the world.

It is a long time to be in the world.

But the world is not all that it seems to be.

And it is not all that it seems to be.

I am a man of the world.

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1 THE DIRECT EXAMINATION.

2 THE DIRECT EXAMINATION, continued by the following questions:

3 first duly sworn, testified as follows:

4 THE DIRECT EXAMINATION.

5 THE DIRECT EXAMINATION, continued by the following questions:

6 Q At what place do you live?

7 A I live at the place called El Rancho, in San Timoteo Canyon.

8 Q Were you living in the year '64 and '65?

9 A In the year '64 and '65 I was in jail, but I was working

10 down in this part of the country every winter.

11 Q I will ask you whether or not in the year '64 or '65, or

12 thereabout, that you had occasion or did pass through the

13 locality near the Bannock River?

14 A I passed there in the winter season of '60-

15 '66, and '64; all the winters from '61 to '66, only during

16 the winter season.

17 Q During the winter season from '61 to '66?

18 A Yes, sir.

19 Q I will ask you if you passed through that locality in

20 '71 or '72?

21 A Yes, sir; I was on the road there very frequently.

22 Q And whether or not you passed through that locality

23 in the winter time of '71 and '72?

24 A Yes, sir; I did.

25 Q Now, you say that the condition of the Bannock River

26 in the winter of 1971, if you remember, as to whether it had

27 any water in it or not?

28 A In '71, I think it had water in; the water crossed the

29 road right by the place called the Bannock store.

30 Q I will ask you whether or not you saw any other persons

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BY J. C. HEATON, ESQ.

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SUPERIOR COURT

1 that creek during any of the years that I have asked
2 you about, when it did not have water in it, and if so state
3 what year it was as near as you can?
4 Q In 1872, I would judge, as near as I can remember, during
5 the latter part of the summer, say August, I crossed it, and
6 there wasn't any water in the ditch - where we call the
7 ditch - was where the water always ran down to the old vine-
8 yard there.
9 Q Did you notice the creek itself where the water flows in
10 flood times as to whether there was any water in it?
11 A There was none.
12 Q There wasn't any water?
13 A At that time; no, sir.
14 Q I will ask you whether or not you noticed the condition
15 of things in the creek immediately west of the Red Hill -
16 you know that creek immediately west of the red hill?
17 A Yes, sir; I know of it.
18 Q State whether or not there was any water in it at these
19 times?
20 A There was water in that because I went to that creek to
21 camp; I went from here there, and I went to Old Buckhorn
22 and I found no water, and I went on over to the other creek
23 or to the other watering place, we called it.
24 Q About how much water was flowing there at you remember?
25 A Oh, I can't say; all we were looking for was sufficient to
26 water our teams and we found it and I paid no attention to it.
27 Q Was there a flowing stream or was it in puddle holes?
28 A If I remember right there was a little flowing stream
29 at that time, but I wouldn't be positive as to that.

CROSS EXAMINATION.

Q By Mr Britt In 1873 I understood you to say in the latter part of the summer you observed there was not any water in the ditch leading down to the old vineyard?

A Yes, sir.

Q Was that an irrigating ditch?

A Yes, sir; I suppose that was the main irrigating ditch that they had to lead the water down into the vineyard and the low valley.

Q And you have accustomed to seeing the water flowing in that ditch? And the water usually flowed in that ditch in the irrigating season?

A Yes, sir; that is the only time I ever saw it dry was that one time.

Q Did you go up the ditch above, to the right, to see whether the water was taken out further up?

A I went up about one hundred yards to see whether there was any water in the holes to water our horses with and I found none, so I came back to the wagon and drove on over to the other place.

Q At that time was there an orchard of walnut trees, lemon trees or lime trees, and other kinds of trees in the neighborhood of the old brick hotel?

A I think there were, but I paid no attention to that; in fact I never did know much about it; I never was much up that way.

Q You don't know but what the water of the creek on the east side of the Red Hill was being used for irrigation up there?

1 Q A. I couldn't say I am sure.

2 Q You didn't go up to see?

3 A No, sir; I didn't go up that far to see.

4 Q You spoke about driving from what you call Old Cucamonga

5 around on the west side of the Red Hill to camp because

6 there was water there?

7 A Yes, sir.

8 Q That season was that?

9 A That was in 1872; the same year and the same trip.

10 Q Was that a season of drouth? That is did it follow a

11 winter of less than the usual rainfall?

12 A I think it was a very dry winter, if I remember properly.

13 Q This place that you call Old Cucamonga is this side of

14 the Red Hill I suppose?

15 A Yes, sir.

16 Q And what is the distance from Old Cucamonga to the Red

17 Hill?

18 A Oh, it is only just across the gulch, a couple of

19 hundred yards, till you strike the point of the hill, the

20 south point.

21 Q Had you been accustomed to camp at the place you call

22 Old Cucamonga?

23 A Yes, sir; that was our old camping ground. Most generally

24 we camped there all the time.

25 Q Had you always found water there for your camping pur-

26 poses and to water your stock and your other trips?

27 A Yes, sir; with the exception of this one time that I

28 speak of.

29 Q Winter and summer?

U. S. DEPARTMENT OF JUSTICE
SUPERIOR COURT

1. I have been thinking about you a lot lately.

2. I hope you are doing well.

3. I am still in the same old place.

4. I have been thinking about you a lot lately.

5. I hope you are doing well.

6. I am still in the same old place.

7. I have been thinking about you a lot lately.

8. I hope you are doing well.

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19. I have been thinking about you a lot lately.

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21. I am still in the same old place.

22. I have been thinking about you a lot lately.

23. I hope you are doing well.

24. I am still in the same old place.

25. I have been thinking about you a lot lately.

26. I hope you are doing well.

27. I am still in the same old place.

28. I have been thinking about you a lot lately.

29. I hope you are doing well.

Q Yes, sir; let me say one word, or make one statement; in the winter time there was water running down this bank and we used to camp on the other side of the creek, because there was more rock, right on the south end of the red hill.

Q And the road at that time crossed below or south of the red hill?

A Yes, sir.

Q Did the road run to the bottom or level land? It did not cross over the slope of the red hill?

A Yes, sir; it went right around the point of it, just on a grade like; probably a little uphill one way the other way for a short distance.

Q At the time you speak of had the refinery been constructed to the left of the road to you at that time?

A Yes, sir; it was on the left I called it.

Q Where was the road at that time? About 1:30 p.m.

-C-

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1 Afternoon Session.

2 Mr. Britt: Will you come here to this map for a moment?
3 This is plaintiff's exhibit 77. Now you notice that along
4 here is marked the San Bernardino Road to which I point on
5 the map.

6 A Yes, sir.

7 Q This figure upon which I lay this pencil on the chart,
8 is drawn to represent the reservoir to the north of the road
9 and close to it?

10 A Yes, sir.

11 Q You're acquainted with that locality at Cucamonga?

12 A I am acquainted right along on the road.

13 Q And just below the San Bernardino Road, to the south,
14 there is indicated by the word "winery" inclosed within cer-
15 tain lines, the locality of the old wine making establishment
16 or building?

17 A The old Sainseveain winery as we used to call it.

18 Q You know where that is situated?

19 A Yes, sir.

20 Q This spot here, to which I point, represents as I under-
21 stand, the present bridge in the road across the wash, com-
22 ing down from the east side of Red Hill?

23 A That is west of the Sainseveain building?

24 A Yes, sir.

25 Q Now, this San Bernardino Road is the road along which
26 you were accustomed to travel at the times which you have
27 described when you did your teaming?

28 A Yes, sir.

29 Q You spoke about camping or stopping at old Cucamonga.

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SUPERIOR COURT

1 Was this the locality, this winery and the neighborhood of
2 the reservoir, the locality which you called Old Cucamonga?

3 A Right near that old Sainsevain house is what we called
4 Old Cucamonga.

5 Q There was that relative to the winery?

6 A That is what I term the winery, the old Sainsevain winery.

7 Q Was that the place which you made during the days you
8 were teaming your camping place?

9 A Usually.

10 Q That is, in going from San Bernardino to the coast?

11 A Yes, sir.

12 Q Did you make that a camping place regularly because there
13 was water there for the stock?

14 A Yes, sir. That is the occasion for making that the camp-
15 ing place.

16 Q And when you were coming from the other direction, from
17 the coast, with your teams to San Bernardino, did you make
18 that the usual camping place?

19 A Generally so. Sometimes we camped on the other side of
20 the Red Hill. It depended on the time in the evening when
21 we struck camp, but mostly we came to that same place.

22 Q Was that for the reason that you found water there for
23 your stock and your men?

24 A Yes, sir.

25 Q Did you have more than one team and wagon in the freight-
26 ing service?

27 A Not in those years. Not after '66. After '66 I drove
28 just one team.

29 Q Up to '66 did you have more than one team?

SUPERIOR COURT

1 A Up to '66 I used to have two 8 and 10 mule teams, but I
2 only made these trips during the winter season.
3 Q Is 1872, in the fall of the year, when, as I understood
4 you to say, you crossed down there one time when the water
5 was not running down the channel, what sort of a team were
6 you driving then?
7 A I was driving just a single pair of mules that trip.
8 That was winding up my teaming.
9 Q That was the last teaming you did?
10 A Yes. After that year, I never have teamed since.
11 Q You remember that ditch where you were accustomed to see
12 the water flowing down to the vineyard below the road --
13 about where that crossed the road with reference to the winery?
14 A If I remember right, it was a little to the west of the
15 winery, right near the winery.
16 Q In those times, that is, in 1872, was there a bridge a-
17 cross the wash where the bridge is now situated, a little
18 north-west of the winery?
19 A No sir, no bridge there.
20 Q The road crossed then where the bridge is at the present
21 time?
22 A Somewheres near it; probably a little below.
23 Q I understand you to say that at that place you usually
24 found water running?
25 A In what I call the ditch immediately west of the main-
26 vain house.
27 Q Did you usually find water running in that channel of
28 the creek?
29 A Not in the summer season. Just during the winter season

1 and early spring.

2 Q In the summer season it was taken into the ditch for ir-
3 rigation?

4 A That is what I suppose.

5 Q It was running in the direction of the old vineyard?

6 A Yes, sir.

7 Q Now, I requested that you be here at this time, suppos-
8 ing that Mr. Waters would ask you some questions.

9 Mr. Waters: Q You didn't go up above, in 1872, to see where
10 the water was running?

11 A I went up I suppose about a hundred yards when I stopped.
12 I found there was no water in what I call the ditch, and left
13 my team and walked up the ditch probably a hundred yards,
14 and found no water, and I drove on across west of the Red
15 Hill.

16 Mr. Haskell: Q Don't you remember that there were crops of
17 corn
18 potatoes and ~~corn~~ and beans, and such small crops planted and
19 growing on the cienega north of that road?

20 A I never went up there to look.

21 Q And you don't know whether there was any water turned out
22 on that tract for irrigation?

23 A I don't know, but I didn't suppose there was any up there.
24 I didn't know anything about it.

25 Q You don't know?

26 A No, sir, I can't answer anything definite about that at
27 all.

O. W. FREEMAN.

O. W. Freeman, a witness produced by defendants, being first duly sworn, testified as follows:

Direct Examination.

Mr McKinley: Q Where do you reside?

A Cucamonga.

Q How long have you lived there?

A Three years.

Q You are Secretary of the Old Settlers Water Company?

A I am.

Q Have you the minutes?

A Yes, sir.

Q Will you state from the minutes, the officers of the Company at the different times since its organization?

A The different years -- at present --

Q State who the first Board of Directors was, the President and Secretary.

A That goes back to 1902.

Q Yes, sir.

A My record, it gives D. R. Hiltbourne, Frances Smith, Feron, Hall and Vincaid.

Mr. Waters: I think you can get that readily out of that same book. I think you will find the first Board of Directors were named in the Articles of Incorporation, and that ought to be in the first pages of the book.

A It ought to be, but it aint.

Mr McKinley: Q That is E. J. Vincaid?

A Yes.

Q Will you turn to the next meeting, and state who the di-

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rectors were? We may get the initials.

A The next one is W.J.Kincaid, A.Stinchfield, A.Southworth, F.G.Smith, and L.R.Kilbourne.

Q I will read the minutes. (Reading) "Nominations for Board of Directors -- " These are the minutes of January 6th 1903:

A Yes, sir.

Q (Reading) x "Nominations for Board of Directors:

W.J.Kincaid, nominated F.G. Smith. A.Stinchfield named A.Southworth. F.G.Smith nominated W.J.Kincaid. A.Stinchfield nominated L.R.Kilbourne. A.Stinchfield moved nominations close. Seconded by Kincaid and carried. A. Stinchfield made a motion that the secretary cast a ballot electing the five nominations directors. F.L.Hall seconded the motion. Motion carried and secretary cast the ballot."

The next minutes are the minutes of the Directors' meeting at which the officers were elected -- January 6th.

A This is minutes of the Board of Directors.

Mr. McKinley: We offer that. (Reading) "Directors' meeting January 6th, 1903. A.Stinchfield moved that L.R.Kilbourne be elected President. A.Southward seconded the motion. Carried. W.J.Kincaid moved A.Stinchfield be elected Vice President. F.G.Smith seconded the motion. Carried. W.J.Kincaid moved C.Southworth be elected secretary. F.G.Smith seconded. Motion prevailed."

Q Will you find the minutes of the next Stockholders' meeting.

A Here they are.

Q These are the minutes of January 5, 1904 of the stockholders'

THEY WERE NOT THE ONLY ONES

TO BE INTERESTED IN THE
FUTURE OF THE COUNTRY.

I WILL NOT DENY THAT
THEY WERE NOT THE ONLY ONES

TO

BE INTERESTED IN THE
FUTURE OF THE COUNTRY.

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1 ers?

2 A Yes, sir.

3 Mr. McKinley: I will offer a portion of these minutes in
4 regard to the directors. (Reading) "Nominations for Board
5 of Directors: W.H.Denham nominated J.E.Fox. W.H.Denham nom-
6 inated Mr. Horsh. Mr. Horsh nominated W.H.Denham. D.R.
7 Milbourne nominated F.G.Smith. J.E.Fox nominated W.J.Kincaid?
8 W.J.Kincaid nominated D.R.Milbourne. S.P.Kincaid nominated
9 John Maddock. S.P.Kincaid nominated A.Stinchfield. J.E.Fox
10 moves that nominations close. John Maddock seconds motion.
11 Carried. Secretary cast ballot as instructed by President.
12 The President makes statement that a majority of the stock
13 of the corporation is present. The ballot being cast, the
14 following directors were elected for the year 1904: J.E.Fox
15 W.J.Kincaid, John Maddock, F.G.Smith, D.R.Milbourne."

16 Q The next minutes are minutes of the Board of Directors?

17 A Yes.

18 Mr. McKinley: I offer a portion of them. (Reading) "Direct-
19 ors meeting of the Old Settlers Company, Cucamonga Hall,
20 January 5, 1904. John Maddock moves that Mr. J.E.Fox be ap-
21 pointed President of the corporation. W.J.Kincaid seconds.
22 Motion carried. D.R.Milbourne nominates F.G.Smith as Vice
23 President. W.J.Kincaid seconds. Motion carried. W.J.Kin-
24 caid nominates D.R.Milbourne as secretary. J.E.Fox seconds.
25 Motion carried.

26 Q The next is the minutes of the Stockholders' meeting of
27 January 4, 1905?

28 A Yes, sir.

29 Mr. McKinley: I offer a portion of that: (Reading) :

SUPERIOR COURT

1 "Nominations for Directors being in order, the following nomi-
2 nations were made: "Mr. Morsh nominated by Moore. Fox nomi-
3 nated by B.F.Kincaid. W.J.Kincaid nominated by A.P.Morwood.
4 D.R.Hillbourne nominated by W.J.Kincaid. Mrs.F.G.Smith nomi-
5 nated by D.R.Hillbourne. Moved by A.Stinchfield, and seconded
6 by Berry, that nominations be closed. Carried. Moved by
7 Berry, seconded by W.J.Kincaid that the rules be suspended
8 and the secretary instructed to cast the next vote of the en-
9 tire stock of the corporation represented for the above named
10 persons for directors for the ensuing year, which was carried
11 and so voted."

12 Q The next minutes of January 4, 1905 are the minutes of the
13 Board of Directors at which officers were elected?

14 A Yes, sir.

15 Mr McKinley: I offer the portion as to the election of
16 officers. (Reading) "Nominations for President, Vice Pres-
17 ident and Secretary being in order, Fox nominated by W.J.Kin-
18 caid, seconded by Morsh. W.J.Kincaid nominated by D.R.Hil-
19 bourne, seconded by Mrs. Smith. Nominations declared closed.
20 Ballots spread, and J.M.Fox having received three out of the
21 five votes, was declared elected. Moved by W. Morsh and
22 seconded by Mrs. Smith that W.J.Kincaid be made Vice Presi-
23 dent. Carried. W.J.Kincaid nominated W.Morsh secretary.
24 Seconded by F.G.Smith. Carried."

25 Q These are the minutes of the stockholders' meeting of
26 1906?

27 A Yes.

28 Mr. McKinley: (Reading) "Nominations were next in order,
29 and the following stockholders were nominated: J.M.Fox,

1 D.R. Milbourne, T.L. Hall, Mrs. F.G. Smith, W. Morsh, and J.B.
2 Lincaid. On motion of T.L. Hall, seconded by W. Morsh, that
3 nominations close. Motion carried. President appointed
4 Mr. Oak and Mr. Stowell as tellers. Result of ballot"--
5 I suppose it is not necessary to put in the number of votes -
6 "The president declared D.R. Milbourne, T.L. Hall, J.B. Fox,
7 W. Morsh, F.G. Smith elected as Directors for the ensuing year.
8 Q The next ensuing are the minutes of the Directors, at
9 the time that the officers were elected?

10 A Yes, sir.

11 Mr. McKinley: I offer this portion. (Reading): "Motion by
12 T.L. Hall that J.B. Fox act as President for the ensuing year.
13 Seconded by W. Morsh. Motion carried. Motion that Mrs.
14 F.G. Smith be our Vice President. Seconded by T.L. Hall. Mo-
15 tion carried. Motion by Mrs. F.G. Smith that T.L. Hall be our
16 secretary. Seconded by W. Morsh. Motion carried.

17 Q The next is 1908.

18 Mr. McKinley: (Reading) "A Stinchfield, D.R. Milbourne
19 Mrs. F.G. Smith, John Sedcock, J.B. Fox, and the officers, A.
20 Stinchfield, President, Mrs. F.G. Smith Vice President, C.V.
21 Freeman Secretary. "

22 Q Who were they in 1907?

23 A J.B. Fox, D.R. Milbourne, Mrs. F.G. Smith, W. Morsh, John
24 Sedcock.

25 Q Who were the officers?

26 A J.B. Fox, Mrs. F.G. Smith.

27 Q J.B. Fox, President?

28 A Yes, sir. Mrs. F.G. Smith, Vice President; C.V. Freeman,
29 Secretary.

1. The first thing I noticed when I stepped out of the plane was the cold. It was a sharp contrast to the warm, humid air of the tropics. I shivered slightly, pulling my jacket closer. The ground beneath my feet was a mix of soft earth and gravel, and the air smelled of pine and fresh rain. I took a deep breath, savoring the crispness of the mountain air. The view from the top of the mountain was breathtaking. The valley below was a patchwork of green fields and small villages, surrounded by steep, forested slopes. In the distance, more mountains rose against a clear blue sky. I felt a sense of peace and tranquility that I had never experienced before. The silence was profound, broken only by the occasional rustle of leaves or the distant call of a bird. I stood there for hours, watching the sun set over the horizon, painting the sky in shades of orange and red. The stars came out one by one, twinkling in the dark. I felt like I was on top of the world, and for a moment, that's exactly how I felt. The experience was unforgettable, and I knew that I would never forget the feeling of standing on the peak of this majestic mountain.

1 1909: Directors, A. Stinchfield, D. A. Hilbourne, John
2 Macdock, J. J. Brane, L. W. Oliver. Officers, A. Stinchfield
3 president, John Macdock vice president, C. W. Freeman,
4 secretary.

6 ---0---

8 7. L HALL.

9 7. L Hall, a witness produced by defendants, being first du-
10 ly sworn, testified as follows:

11 DIRECT EXAMINATION.

12 Q. Mr. McKinley: Where do you reside?

13 A. Upland.

14 Q. How long have you resided there?

15 A. About two years.

16 Q. Where have you resided before that?

17 A. I moved to Cuccamonga the 30th of May, 1901, and lived
18 there for five years and I sold out over there and went
19 back east a year and came back to Upland.

20 Q. When did you acquire your property at Cuccamonga?

21 A. It was about the 24th of May, 1901.

22 Q. Between that time and your conveyance shown in evidence
23 here to the Old Settlers Water Company in December, 1902,
24 did you have any information as to the fact that the Haskell
25 well was being operated by the San Antonio Water Company, and
26 water taken to Ontario?

27 A. I heard a good many reports about some of those things
28 that I didn't know anything about. To state from memory,
29 I couldn't repeat them.

SUPERIOR COURT

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SUPERIOR COURT

1 Q You heard that wells were being operated there and the
2 water taken away?
3 A Yes, sir.
4 Q As to the general particulars you don't remember?
5 A No, sir.
6 Q You are the same Hall who was one of the first directors
7 of the Old Settlers Water Company?
8 A Yes, sir.
9 Q Your initials were not given, and I ask you to identify
10 it. Did you observe the construction of any pipe line bet-
11 ween Cucamonga red hill country and Ontario?
12 A West from the red hill I noticed from the roads as I
13 passed along that they were laying a large pipe up there. I
14 Didn't go up to see it.
15 Mr. Britt: This line of testimony is offered as affecting
16 the Old Settlers Water Company?
17 Mr. McKinley: Yes, sir.
18 Mr. Britt: And not the two Cucamonga Companies?
19 Mr. McKinley: In so far as the general knowledge over there
20 it may have that effect.
21 Mr. Britt: I don't think the testimony is competent against
22 the Cucamonga Companies.
23 Mr. McKinley: I do not understand that there is any limita-
24 tion. We understand that you are not waiving any question.
25 Mr. Britt: I had understood that this line of testimony
26 was offered as affecting the Old Settlers Water Company and
27 not the Cucamonga Vineyard Company or the Cucamonga Land
28 and Irrigation Company.
29 Mr. McKinley: I have always insisted that that is a ques-

1. The first thing I noticed when I stepped out of the
2. hotel was the cold air. It was a sharp contrast to the
3. warm room I had just left. I took a deep breath and
4. felt a sense of freedom. The city was alive with
5. the sounds of traffic and the chatter of people.
6. I walked down the street, looking at the buildings
7. and the people. It was a new experience for me.
8. I had never before. I felt like I was in a
9. different world. The people were different, the
10. buildings were different. It was a new world
11. for me. I was in a new world. I was in a
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SUPERIOR COURT

tion of effect.

Mr. Britt: No, I didn't object. I had understood that the testimony was not offered to affect the other plaintiffs here whom I represent. If it is--

Mr. McKinley: I will say that this is not; considering some testimony that was put in this morning, I don't care whether it is or not. But this witness' testimony is not offered in any way as affecting your plaintiffs.

Mr. Britt: My impression is that there was a ruling of the Court some days ago on this precise matter, and it was then ruled by the Court that the testimony was not competent as against the two Cuckanonga Companies.

The Court: I don't remember such a ruling. I remember a controversy came up and I was inclined to sustain the objection, and Judge McKinley suggested that he was offering it responsive to the issues raised by other parties here, and on that theory I overruled the objection.

Mr. Britt: That is a more accurate statement. But the Court did not rule, merely because there was a statement of counsel for defendants--

The Court: If it is necessary to make the statement, I think I ought to make it right now. When it comes to the determination of the case, if I find any evidence I do not propose to find out who offered it or against whom it was offered. I propose to consider it for what it is worth, for any purpose in the case. I think there are troubles enough for anybody who attempts to decide the case without attempting to find out who offered the evidence and for what purpose it might be considered.

[illegible]

1 Mr. Britt: But I suppose that the Court would hardly
2 consider when the case is submitted that testimony here about
3 the information which Mr. Hall, for example, who was a pre-
4 decessor in interest of the old Settlers Water Company--
5 what information he had-- would affect another party to the
6 case.

7 The Court: That would go to the effect of it rather than
8 its legal status. If Mr. Hall was in a position to charge
9 you with notice, I don't see any reason why it should not
10 be good against your client.

11 Mr. Britt: Assuredly; but it would have to be shown that he
12 he was in such a position.

13 The Court: That is what I say. It goes to the effect of it.

14 Mr. Britt: There was an understanding reached in the way
15 your Honor discussed on the objection made to this line of
16 testimony, on the statement by Judge McKinley that it was
17 not for any purpose but against the old Settlers Water Com-
18 pany. If there is any question about that--

19 Mr. McKinley: You will remember that I suggested once that
20 I was reaching out for your country.

21 Mr. Britt: Your language is picturesque, but I do not re-
22 call the phrase.

23
24 Mr. Curtis: Q Are you acquainted with the Sunset well,
25 situated in Cucamonga?

26 A I am acquainted with the history of that somewhat.

27 Q The wells of the Sunset Water Company?

28 A Yes, sir.

29 Q Do you remember when they were being put down?

SUPERIOR COURT

Q. Now, didn't you say I suppose it is the first time?

A. Yes, I suppose it is the first time. I don't know of any other case where the defendant was charged with the same crime as the defendant in this case.

Q. Now, didn't you say I suppose it is the first time?

A. Yes, I suppose it is the first time. I don't know of any other case where the defendant was charged with the same crime as the defendant in this case. I don't know of any other case where the defendant was charged with the same crime as the defendant in this case.

Q. Now, didn't you say I suppose it is the first time?

A. Yes, I suppose it is the first time. I don't know of any other case where the defendant was charged with the same crime as the defendant in this case. I don't know of any other case where the defendant was charged with the same crime as the defendant in this case.

Q. Now, didn't you say I suppose it is the first time?

A. Yes, I suppose it is the first time. I don't know of any other case where the defendant was charged with the same crime as the defendant in this case. I don't know of any other case where the defendant was charged with the same crime as the defendant in this case.

Q. Now, didn't you say I suppose it is the first time?

A. Yes, I suppose it is the first time. I don't know of any other case where the defendant was charged with the same crime as the defendant in this case. I don't know of any other case where the defendant was charged with the same crime as the defendant in this case.

1 A Yes, sir.

2 Q You knew of them at that time?

3 A I did.

4 Q Did you ever visit the wells where they were being dug?

5 A When the last one was dug I was there once or twice,
6 but the first one I don't think I was there. I don't remem-
7 ber. But I know where it was and I passed in sight of it
8 and knew what was going on.

9 Q You knew what they were doing?

10 A Yes, sir.

11 Q And you knew their intention was to bore for water?

12 A Yes, sir.

13 Q And if they secured water to conduct it from the well on
14 to property of the stockholders of the Sunset Water Company?

15 A Yes, sir.

16 Q Did you see anything of their pipe line at the time it
17 was being constructed and laid?

18 A Yes, sir; I saw them laying the pipe as I passed on the
19 road.

20 Q It passed along near the road?

21 A Yes, sir.

22 Q Does it pass near your property?

23 A Nearly a half a mile.

24 Q

25 Mr. Conner: Q Do you know of the Hermosa Water Company's
26 well?

27 A Yes, sir; I know something of it.

28 Q Did you know of it about the time they were digging it?

29 A Well, yes; I think about May or June in 1901 that I

1. The first step in the process of developing a new product is to identify a market need. This involves conducting market research to determine what consumers want and are willing to pay for. Once a need is identified, the next step is to develop a concept that addresses this need. This concept should be unique, feasible, and profitable. The third step is to develop a business plan that outlines the financial and operational aspects of the new product. This plan should include a detailed description of the product, the target market, the distribution strategy, and the financial projections. The fourth step is to secure financing for the development of the product. This can be done through a variety of sources, including venture capitalists, angel investors, and banks. The fifth step is to develop a prototype of the product. This prototype should be functional and able to demonstrate the key features of the product. The sixth step is to conduct a pilot test of the product. This test should be conducted on a small scale and should provide feedback on the product's performance and consumer acceptance. The seventh step is to refine the product based on the feedback from the pilot test. This may involve making changes to the product's design, features, or packaging. The eighth step is to launch the product into the market. This involves developing a marketing strategy and implementing it. The final step is to monitor the product's performance and make any necessary adjustments. This ongoing process is essential for the success of a new product.

1 was up to the well one day when they were starting to pump.
2 They had the well already made.

3 Q You know that they pumped water there?

4 A Yes, sir.

5 Q And that that was the purpose of digging the well, to
6 secure water to irrigate the land of the stockholders of
7 the company?

8 A Yes, sir.

9 ---0---

10
11 JOHN WARDOCK.

12 JOHN WARDOCK, recalled by defendant Sunset Water Company,
13 testified as follows:

14 MR CURTIS: Q You are acquainted with the Sunset Water Com-
15 pany's wells situated in Jucamonga?

16 A Yes, sir.

17 Q Were you acquainted with them at the time they were
18 being dug?

19 A Well, I saw them digging them.

20 Q Were you at the wells at the time they were digging
21 them?

22 A No, sir.

23 Q But you passed near them at the time they were being
24 dug?

25 A Yes, sir.

26 Q Did you ever see their pipe line while it was being laid
27 from the wells down to the lands of the stockholders of the
28 Sunset Water Company?

29 A Yes, sir.

SUPERIOR COURT

and of the well and the deep was starting to pour.

Then the sun came out and the world was bright.

And the rain came down and the world was wet.

And the wind came and the world was cold.

And the snow came and the world was white.

And the ice came and the world was hard.

And the frost came and the world was cold.

And the snow came and the world was white.

And the ice came and the world was hard.

And the frost came and the world was cold.

And the snow came and the world was white.

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And the snow came and the world was white.

And the ice came and the world was hard.

And the frost came and the world was cold.

And the snow came and the world was white.

SUPERIOR COURT

1 Q And you knew what the purpose of the pipe line was?
2 A Yes, sir.
3 Q And the purpose of the well?
4 A Yes, sir.
5 Q And that that purpose was for the purpose of develop-
6 ing water from the wells and conducting it from the wells to
7 the property of the Sunset Water Company's stockholders?
8 A Yes, sir.
9
10 Mr. Conner: Do you know of the Hermosa Water Company's
11 wells?
12 A Yes, sir.
13 Q Do you know when they began work on it?
14 A No, sir; I don't remember the date.
15 Q About the time? Did you know they were sinking a well?
16 A Yes, sir.
17 Q And the purpose of it?
18 A Yes, sir.
19 Q To secure water to irrigate the lands of the stock-
20 holders?
21 A Yes/ sor.
22 Q Did you know of their pumping it at any time?
23 A Yes, sir.
24 Q Do you know how much?
25 A No; I never was at that. I saw them pumping.
26 Mr. McKinley. Have you the books that I called for?
27 Mr. Stevens: I didn't think anything about them when I got
28 home Saturday. Mr. Britz telephoned me about it last even-
29 ing and I took the matter up this morning, but I was un-

1. The first part of the document is a letter from the President of the United States to the Congress, dated January 1, 1861. It is a very important document, as it sets out the President's policy for the new year. The President states that he is pleased to see the Congress assembled, and that he is confident that the country is in a good position to meet the challenges of the future. He also mentions the recent election of Abraham Lincoln as President, and expresses his confidence in Lincoln's ability to lead the country.

2. The second part of the document is a report from the Secretary of the Treasury, dated January 1, 1861. It provides a detailed account of the financial state of the country at the beginning of the year. The report states that the country is in a sound financial position, with a strong treasury and a healthy economy. It also mentions the recent election of Abraham Lincoln as President, and expresses confidence in Lincoln's ability to lead the country.

3. The third part of the document is a report from the Secretary of the Interior, dated January 1, 1861. It provides a detailed account of the state of the interior of the country at the beginning of the year. The report states that the country is in a good position to meet the challenges of the future, with a strong interior and a healthy economy. It also mentions the recent election of Abraham Lincoln as President, and expresses confidence in Lincoln's ability to lead the country.

4. The fourth part of the document is a report from the Secretary of the War, dated January 1, 1861. It provides a detailed account of the state of the war at the beginning of the year. The report states that the country is in a good position to meet the challenges of the future, with a strong war effort and a healthy economy. It also mentions the recent election of Abraham Lincoln as President, and expresses confidence in Lincoln's ability to lead the country.

5. The fifth part of the document is a report from the Secretary of the Navy, dated January 1, 1861. It provides a detailed account of the state of the navy at the beginning of the year. The report states that the country is in a good position to meet the challenges of the future, with a strong navy and a healthy economy. It also mentions the recent election of Abraham Lincoln as President, and expresses confidence in Lincoln's ability to lead the country.

6. The sixth part of the document is a report from the Secretary of the State, dated January 1, 1861. It provides a detailed account of the state of the state at the beginning of the year. The report states that the country is in a good position to meet the challenges of the future, with a strong state and a healthy economy. It also mentions the recent election of Abraham Lincoln as President, and expresses confidence in Lincoln's ability to lead the country.

7. The seventh part of the document is a report from the Secretary of the Education, dated January 1, 1861. It provides a detailed account of the state of the education at the beginning of the year. The report states that the country is in a good position to meet the challenges of the future, with a strong education system and a healthy economy. It also mentions the recent election of Abraham Lincoln as President, and expresses confidence in Lincoln's ability to lead the country.

8. The eighth part of the document is a report from the Secretary of the Agriculture, dated January 1, 1861. It provides a detailed account of the state of the agriculture at the beginning of the year. The report states that the country is in a good position to meet the challenges of the future, with a strong agriculture and a healthy economy. It also mentions the recent election of Abraham Lincoln as President, and expresses confidence in Lincoln's ability to lead the country.

9. The ninth part of the document is a report from the Secretary of the Commerce, dated January 1, 1861. It provides a detailed account of the state of the commerce at the beginning of the year. The report states that the country is in a good position to meet the challenges of the future, with a strong commerce and a healthy economy. It also mentions the recent election of Abraham Lincoln as President, and expresses confidence in Lincoln's ability to lead the country.

10. The tenth part of the document is a report from the Secretary of the Finance, dated January 1, 1861. It provides a detailed account of the state of the finance at the beginning of the year. The report states that the country is in a good position to meet the challenges of the future, with a strong finance and a healthy economy. It also mentions the recent election of Abraham Lincoln as President, and expresses confidence in Lincoln's ability to lead the country.

1 able to secure the books. Some of them-- the Land and
2 Irrigation Company's books are in the possession of Mr.
3 Childs. Probably the others are in the possession of Mr.
4 Ryan at the bank. I arranged with Mr. O'Melveny to get
5 possession of them and ship them down here.

6 Mr. McInley: I want to call your attention particularly
7 to the fact, inasmuch as you were not here this morning, that
8 I asked specifically, although it is covered by the other
9 demands--

10 Mr. Stevens: The memorandum I left with Mr. O'Melveny refers
11 to general reports. If there are any letters we expect to
12 have them.

13 --0--

14
15 E. F. FULLER.

16 E. F. Fuller, a witness produced by defendants, be-
17 ing first duly sworn, testified as follows:

18 DIRECT EXAMINATION.

19 Mr. McInley: Where do you reside?

20 A San Antonio Heights.

21 Q How long have you resided there and in Ontario?

22 A 22 years.

23 Q Have you resided at the same place all the time?

24 A I have been in the colony all the time.

25 Q Are you connected with the San Antonio Water Company?

26 A I was assistant zanjero.

27 Q How long have you occupied that position?

28 A 20 yearsx.

29 Q State whether you have charge of a particular portion of

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1 the work?
2 A My district runs from the mountains to Tenth Street.
3 Q Who has in recent years had charge of the other portion?
4 A When I first began work Mr. E. F. Bradford and Mr. Dyer
5 next, George Graves and Mr. Dyer came in again the second
6 term, and Mr. McGill (I don't remember his initials) has
7 charge at the present time.

8 Q Now the district covered by you and the other district
9 which was covered by Mr. Dyer cover all the lands irrigated
10 by stock of the San Antonio Water Company?

11 A Yes, sir.

12 Q Have you had anything to do with the diversion of storm
13 waters?

14 A Yes, sir; for the past five years.

15 Q State fully what you have done in that respect. I mean
16 on behalf of the San Antonio Water Company.

17 A In the Cucamonga Canyon?

18 A Yes; both canyons, but acting in your capacity on be-
19 half of the San Antonio Water Company.

20 A I have superintendence of the spreading of the water
21 each winter for the past five years--

22 The Court: In both canyons?

23 A No, sir; just Cucamonga Canyon.

24 Mr. McKinley: That work has been done under your direc-
25 tion? Describe it as fully as you can.

26 Mr. Britt: The object as having occurred since the beginning
27 of this action, and the evidence is immaterial and irrelevant.

28 The Court: Objection overruled. Plaintiffs except.

29 A In time of high water we had men up to control the wat-

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ers and spread it over the canyon in such a way as to keep all of it possible above nineteenth street.

Q How much work of that kind was done under your supervision each season?

A According to the storm water, all the way from two to six men. Sometimes two or three weeks at a time, and sometimes longer. As the water would lower down, two men had to go over it every day and make the dams, and, as the water fell, changing the dams and keeping spreading it all the time.

Q During how many seasons has that occurred?

A For the past five seasons that I have had charge of that.

Q And during what portion of the rainy season?

A Any time that we had rain enough for the water to flow down the canyon, from November till April.

Q Do you know anything about the diversion of water from San Antonio Canyon?

A Yes; all that goes through our pipe lines in the winter season is turned out at nineteenth street and runs towards the southeast direction, -- some five or six hundred inches.

Q How is it carried?

A There are irrigating lines from nineteenth street, seven or eight different lines, up to that point, and at the present time there is a 30-inch pipe laid through there for a ways, and then they have an open ditch, so that the water goes southeasterly towards the sixteenth street wells.

Q How long has that been in that condition?

A For the past ten years or more, that it has been going

The first thing I saw when I stepped out of the car was a bright, sunny day. The air was warm and the birds were singing. I felt like I had entered a new world.

I walked down the street, looking at the people and the buildings. Everything seemed so different from what I was used to. I felt like a stranger in a strange land.

I went to the market and bought some fresh fruit. The vendors were friendly and the prices were low. I felt like I was getting a good deal. I also bought some spices that I had never seen before. They smelled so good.

I went to the mosque and prayed. The imam was a kind man and he welcomed me. I felt like I was part of a community. I also met some of the other people who were new to the city.

I went to the park and saw some beautiful flowers. The children were playing and the dogs were running. I felt like I was in a peaceful place. I also saw some of the old buildings that were still standing.

I went to the beach and saw some beautiful views. The water was clear and the sand was white. I felt like I was in a paradise. I also saw some of the local fishermen who were catching fish.

I went to the museum and saw some interesting exhibits. I learned a lot about the history of the city and the people who lived there. I also saw some of the art that the local artists had made.

I went to the library and read some books. I found some books that I had never read before. I also found some books that were written by local authors. I felt like I was learning a lot.

I went to the hospital and saw some of the doctors who were treating patients. I felt like I was in a modern facility. I also saw some of the nurses who were caring for the patients. I felt like I was in a good place.

1 in that direction, all the way from November to the first of
2 May. They generally begin the irrigation regularly about the
3 first of May.

4 Q During the period that you have been assistant sanger--
5 You have been distributing the water ~~or expending it~~ in your-
6 self in that district?

7 A Yes, sir.

8 Q I mean the irrigating water.

9 A Yes, sir; continually.

10 Q What have been the sizes of the heads of water distribute d
11 by you during the years beginning with '98, referring to the
12 different seasons as far as you can?

13 A Beginning with '98?

14 Q Yes.

15 Mr. Britt: Distributed where?

16 Mr. McKinley: To the stockholders of the San Antonio Water
17 Company, within the district of which he has charge.

18 Mr. Haskell: We object to that as irrelevant and incompet-
19 ent and not the best evidence. It has been shown here by
20 records the amount of water that the company has delivered,
21 -- that there are such records,-- and those records ought to
22 be produced.

23 The Court: That may be, but I don't think your objection
24 is good for that reason. The witness may know exactly
25 what was turned out. It need not necessarily be recorded.

26 Mr. McKinley: As a matter of fact, we haven't got records
27 showing the head as I have been informed.

28 Mr. Britt: Are there any records showing the quantity of
29 water delivered to each stockholder from season to season?

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1 Mr. Echlinley: You haven't records, Mr. Fuller, showing the
2 amounts delivered, have you?

3 A I have no records with me.

4 Q Have you anywhere?

5 A I can't say that I have, exactly. I remember very well
6 from memory about what we delivered.

7 Q Are there any records? I don't want to take your memory
8 if you have records.

9 A I don't think I have the records showing the exact an-
10 ount.

11 Q Did you make records? Has anybody got them?

12 A I never made any record, more than we went under in-
13 structions according to the water we had during those seas-
14 ons.

15 Q But you didn't preserve any card showing the size of the
16 heads you could deliver?

17 A No, sir.

18 Mr. Britt: May I inquire did you not keep a zanjero's
19 book showing the quantity of water that you delivered to
20 the various stockholders from day to day?

21 A Of course, I kept books the different seasons, but I
22 haven't any of them now.

23 Q You turned them in to the company?

24 A No, sir.

25 Q What did you do with them?

26 A I probably mislaid them. I don't know just what became
27 of them. The company knew that I was going according to their
28 directions in giving the amount ordered to each stockholder.

29 The Court: What was the book you kept? Was one kept by

[illegible]

SUPERIOR COURT

1 order of the company?

2 A No, sir; it was a matter of convenience for my own

3 use.

4 Q In what way was it convenient?

5 A I kept a book with each stockholder's name in my dist-

6 rict, and I--

7 Q Tell us how the water was delivered? How was the system

8 constructed and what did a head mean?

9 A A head meant-- each man owned so many inches of water.

10 Q We don't care for that. How did you give him the water?

11 A We measured it over weirs.

12 Q So many inches?

13 A Yes, sir.

14 Q You had a schedule by which you went?

15 A Yes, sir.

16 Q And this book was the book in which you were keeping

17 the measurements?

18 A Yes; the name of the party and the amount of shares

19 that he owned.

20 Q And the number of inches that you should let go over

21 the weir for a length of time?

22 A No, sir; I didn't keep a record of that.

23 Q You have none of those books now?

24 A I have nearly all of my books that I kept with the names

25 on, but ~~none~~ not a record of the number of inches.

26 Q Did you make any minute of the quantity of water which

27 you delivered to each stockholder?

28 A No, sir.

29 The Court: I find it the hardest thing in the world to make

The first thing I noticed when I stepped out of the car was the cold, crisp air. It was a relief after the warm, humid air of the city. I walked towards the entrance of the building, my eyes scanning the surroundings. The architecture was a mix of modern and traditional styles, with large windows and ornate details. I felt a sense of anticipation as I approached the door.

SUPERIOR COURT

1 zanjeros understand that a head of water is not the same the
2 world over. They think we understand at once when they be-
3 gin talking about a head. I would like to find out what a
4 head was under the system of the San Antonio Water Company.

5 A I will try to explain it. Land that owned 10 shares of
6 water, we would give him 30, 35 or 40 inches for a head
7 according to the supply we had for the colony at that time--
8 in the different seasons. Some seasons 30 inches, and some
9 35, and in the fore part of the season we would give 40
10 inches. We would call 10 inches a head of water, and it
11 varied from 30 to 40 or 45 inches, according to the time
12 of the year. I would like to correct that: instead of 10
13 inches I should say 10 shares.

14 Mr. McKinley: Do you know how the company determined what
15 amount of water each party was entitled to?

16 A Yes, sir; I think so. They determined it by-- The zan-
17 jeros had it under control themselves mostly. They knew how
18 much water they had each month and measured it and gave the
19 heads of water according to the number of inches they had--
20 the total inches.

21 The Court: Where did they do this measuring?

22 A It was measured, in the first place, at the head of the
23 whole system.

24 Q Up in the canyon?

25 A Yes, sir; at the mouth of the canyon where we had meas-
26 uring boxes, and I knew just exactly how many inches we had
27 over a large weir.

28 Q You had some weirs over which all the water passed?

29 A Yes, sir.

(The witness understood that a book of order is not the same as
 a bill of exchange. That there are bills of exchange of many kinds and
 the witness about a book. I would like to know what a
 book was under the witness's bill and what a bill was.
 I will try to explain it. I believe that a bill is a book
 which, one would give him, to be an order for a book.
 according to the witness as the bill is a book which
 is the bill of exchange, and which is a book, and the
 bill, and in the bill of exchange, the bill is a
 book. The bill is a book of exchange, and the
 bill is a book of exchange, and the bill is a book
 of exchange. I would like to know what a book is
 under the witness's bill. I believe that a bill is a book
 which, one would give him, to be an order for a book.

[illegible]

SUPERIOR COURT

1 Q How often was that measured?

2 A Each month.

3 Q And these calculations you speak of were known as

4 monthly measurements?

5 A Yes, sir.

6 Q So it was at best an approximation? You didn't intend

7 to be exactly accurate from day to day?

8 A No, sir. It would be measured from day to day to each

9 stockholder.

10 Q I understand that you took your monthly measurement for

11 the basis and you tried to make daily distributions on that

12 assumption, but you wouldn't know what the basis was

13 except as from month to month?

14 A When there was any variation in the gravity water we

15 started to pump.

16 Q What do you mean by gravity water?

17 A Running down in the creek-- the San Antonio Creek water.

18 Q That other kind of water did you have?

19 A We had wells that we pumped water from.

20 Q You used those wells as a supplementary system? You

21 depended on the gravity water primarily?

22 A Yes, sir.

23 Q If you had enough of that you didn't use the other?

24 A That is it.

25 Mr. McKinley: that I expect to show about this distribution--

26 not by this witness but other witnesses-- I don't expect

27 to ask him for it at this time,-- but what I expect to

28 show is that the amount of water which they had from day to

29 day was determined by these measurements. Then it was divided

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1 up by the number of shares of stock and the head determined,--
2 by the number of shares of stock,-- for the whole month.

3 Mr. Britt: The only object I had in objecting was in the
4 hope that there was a system of records which would show
5 the quantity of water distributed from year to year and the
6 sources from which it was derived. I do not care about
7 interposing and will not interpose knowingly a mere cap-
8 tious objection. But I thought we would get at the quan-
9 tity of water these two companies have handled from year
10 to year, commencing within the memory of men now living, and
11 which would enable us to ascertain, further, the sources
12 from which the supplies were obtained,-- so much from can-
13 yon, so much from the 14th Street well and so much from
14 the Hadie tunnel,-- all of which matters, I believe, would
15 illuminate the case.

16 Mr. McKinley: A great deal has been shown by measurements
17 and we will show more hereafter.

18 The Court: Under the rules of the company did you make
19 reports to the down town office of the water which you sup-
20 plied to the different stockholders?

21 A Yes, sir.

22 Q How were the reports made?

23 A Verbal.

24 Mr. Haskell: At the head of your ditch or near the head
25 of your ditch didn't you have a measuring weir?

26 A Yes, sir.

27 Q And at that measuring weir you had a self registering
28 weir, did you not?

29 A No, sir.

Q You have one there now, don't you?

A No, sir. You mean the canyon water or the creek water?

A Yes, sir.

A No, sir; I don't think there is any self-registering weir.

Q Haven't you ever kept any weir to measure the total quantity of water diverted?

A We had a self-registering weir at the mouth of the San Antonio tunnel.

Q You have that weir at the mouth of the San Antonio tunnel?

A Yes.

Q That takes what proportion of your entire amount of water from the creek?

A No, sir; the San Antonio tunnel has nothing to do with the creek water.

Q You have a self-registering weir there?

A There has been one there. It is not there at the present time.

Q And what did you do with the records from that weir?

A The zanjero always attended to that. I didn't have anything to do with it. I am assistant zanjero.

Q And does all the water of the San Antonio Creek go through the tunnel?

A No, sir; none of it goes through the tunnel.

Q Did you measure the water coming from the San Antonio Creek at any point?

A Yes, sir.

Q There are those measurements?

SUPERIOR COURT

1 A At the head of our pipe system, before any water is
2 diverted, about a mile this side of the canyon.
3 Q Is that a self-registering weir?
4 A No, sir.
5 Q Who keeps that record?
6 A The zanjero and myself.
7 Q What became of the records?
8 A The engineer has the records of that water. You can
9 find out that information from him.
10 Q This water coming from the tunnel, which was measured,
11 and the water coming from the creek, is the water which
12 you delivered?
13 A Yes, sir.
14 Q And you delivered it all?
15 A Yes, sir.
16 Mr. Haskell. He object to the further examination of this
17 witness as to what water he has delivered because it is
18 shown that there is a record.
19 The Court: Objection overruled. Plaintiff's except.
20 Mr. McKinley: Q You stated that you delivered it all.
21 Do you mean that you took it all in your district?
22 A No, sir; I mean that the company delivered it all--
23 the two of us delivered it all.
24 Q Recurring to the question, will you state what was the
25 size of the head you delivered from '98 on, approximately?
26 A '98 and '99, a portion of the time, in the dry season,
27 we ran 20 inches half time. That is, 12 hours instead of 24.
28 Q About what amount of water were the orchards receiving,
29 according to these figures, per acre, in continuous flow?

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1 The Court: That is, if you know? If you don't know,
2 you may say so.

3 A I would like to study it.

4 Mr. McKinley: I withdraw the question.

5 Q How often were these run?

6 A In those years it ran all the way from 25 to 45 days
7 long in getting around to each stockholder in the dry seas-
8 on.

9 Q You are referring to the years '98 and '99. In the sub-
10 sequent years what has it been?

11 A Since '99?

12 Q Yes.

13 A 30 and 35 inches in the fore part of the season. Some-
14 times we would give 40 and 45 inches to each stockholder
15 for each 10 shares.

16 Q Full time?

17 A Yes, sir.

18 Q How many days apart?

19 A 30 days. During the latter part of the season, in Aug-
20 ust and September, 30 inches and 35, some seasons.

21 Q During this period of your residence in Ontario you
22 have observed and become acquainted with the raising of
23 citrus fruits-- orchards, and the amount of water neces-
24 sary for the proper cultivation and irrigation of orchards,
25 have you?

26 A Yes, sir; I think so.

27 Q What in your opinion is the amount of water necessary
28 for the proper irrigation of such orchards, giving the dif-
29 ferent amounts, as to the varying ages as well as you can,

The Council of the City of New York, in its resolution of the 14th day of June, 1904, passed the following resolution:

Resolved, That the City of New York be and it is the duty of the City of New York to

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1 and taking into consideration the character of the soil in
2 the district of which you are zanjero? I am asking this in
3 continuous flow per acre.

4 A Our oldest orchards that we have in my district, is
5 3-1/3 acres, or 3 inches to 10 acres.

6 Q How old are those oldest orchards?

7 A 25 or 26 years old and possibly a few are 27.

8 Q Proceed.

9 A Orchards from 10 to 15 years old, an inch to 5 acres;
10 and the young groves from 1 years old to 5 or 6 before
11 they get to bearing much, an inch to 10 acres is sufficient.,
12 for the young growth.

13 Q What is the acreage of orchards and citrus fruits--
14 oranges and lemons-- in your district?

15 A 1745 acres in my district.

16 Q What can you say as to about the division as to ages
17 of those orchards?

18 A I have a note of it here.

19 Q You made figures in regard to it?

20 A The number of acres planted up to '94--

21 The Court: Have you recently made this memorandum?

22 A Yes, sir.

23 Q You have gone over it carefully?

24 A I have gone over the acreage in my books and I know
25 every pipe line in the colony. The groves planted up to
26 '94, 1080 acres. The groves planted from '94 to 1900, 370
27 acres. Groves planted from 1900 to the present time, 295
28 acres.

29 Q Now referring to the orchards planted before '94, about t

* 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2

1 what number of acres of those older orchards to which you
2 refer? Can you divide it up?

3 A I judge about one-third of those 25 years old. The
4 balance were planted at different
5 periods up to '94.

6
7 Mr. Britt: When did you begin to be zanjero of the San
8 Antonio Water Company, or assistant zanjero?

9 A 20 years ago the first of next day.

10 Q Have you personally made observations of the times when
11 these orchards were planted, or are you stating what was
12 told to you by other people?

13 A No, sir; personally; my observation of the groves that
14 were planted when I began work and what has been planted
15 since.

16 Q You say that in '94 there had been something over 1000
17 acres planted in your district?

18 A Yes, sir.

19 Q Did you watch the planting of every one of those orch-
20 ards?

21 A I had to furnish the water for every one that was
22 planted.

23 Q Did you keep a record of the day when, ^{an} ~~the~~ orchard
24 was planted?

25 A I didn't keep a record of the exact days.

26 Q Then did you make this computation of the age of the
27 trees?

28 A I made this from-- I took a copy from my books--
29 I made it yesterday.

SUPERIOR COURT

HOW WE GIVE AND GET THINGS

SUPERIOR COURT

Q Let me see your book from which you made your copy.

A I will explain so you will understand it.

Q I am not very finicky, but I want to know what it means.

A I have a system of my own. I have all my pipe lines named so that I know the pipe line run-- We have one main pipe line on Twenty-fourth Street and a pipe line to every 10 acres in the colony.

Q In your book this is the east line?

A Yes, sir.

Q What is that name?

A Swain.

Q What are these figures to the right?

A That is the date that he gets his water.

Q When were those entries made in that book?

A I make a new book every season because the groves change hands and the same man probably wouldn't own the grove two years in succession.

Q There isn't anything in this book which you are exhibiting to me which shows when the Swain orchard was planted?

A I don't know the date it was planted, but it was planted when I came to the colony.

Q You say that that was 20 years ago?

A I have been at work for the company 22 years.

Q Then it would be in 1905 that you came there?

A Yes, sir.

Q You say Mr. Swain's orchard was planted at that time? How much of it was?

A 7 acres in the older part of it and 3 acres later on.

Q When were the 3 acres planted?

up before the first day of the year.

It is a very old custom.

It is a very old custom.

It is a very old custom.

It is a very old custom.

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It is a very old custom.

It is a very old custom.

It is a very old custom.

1 A I can't tell you exactly when. It was planted away before '94.

2 Q How much has Mr. Swain altogether?

3 A 10 acres

4 Q Let us take somebody on the next page.

5 A McNeil.

6 Q He has 20 shares?

7 A Yes, sir.

8 Q What do these figures mean?

9 A That he gets the water on the 5th day of the month.

10 Q McNeil gets it on the 5th day of the month?

11 A The 5th day of each month.

12 Q When was McNeil's orchard planted?

13 A Well, I have to answer the same as before. Prior to '94.

14 Q You remember those things?

15 A Yes.

16 Q Then you state that between 1894 and 1900 there were planted some 400 acres, weren't there?

17 A 370 acres

18 Q Where is your record of those plantations. I

19 A I made a record the same way. By running down my list here as I have got it here-- my pipe lines-- I have records on each pipe line.

20 Q How many acres are there in all?

21 A 2525 acres.

22 Q How many groves or different individual owners? Give it to us approximately. I am going over this quite rapidly.

23 A I don't think I can give that very accurately.

1. The first thing I noticed when I stepped out of the plane was the cold air.

2. It felt like a giant hand reaching out to grab me.

3. I had heard that the weather was bad, but I didn't realize how bad it would be.

4. The wind was howling, and the rain was coming down in sheets.

5. I had to hold onto the railing to keep from falling.

6. The ground was a blur of white and grey.

7. I had never seen snow before, and it was amazing.

8. The snow was so soft, it felt like I was walking on clouds.

9. I had heard that the snow was beautiful, but I didn't realize how beautiful it would be.

10. The snow was so deep, it was hard to walk.

11. I had to take small steps to keep from slipping.

12. The snow was so white, it was like a giant blanket.

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28. The snow was so deep, it was hard to walk.

1 Q Can you tell with 20 or 30 or 50?

2 A I might make a guess. I could give it at home.

3 Q You have a record at home?

4 A Yes, sir.

5 Q Do you keep any note or record when a new grove is
6 planted?

7 A No, sir.

8 Q What part of the district irrigated by the San Antonio
9 Water Company and from its pipe lines is included within
10 your field of labor-- your 1745 acres?

11 A The north section of the colony, as far as 10th Street.
12 Beginning at the foot hills and running to 10th Street.

13 Q Beginning at the extreme north side and running
14 thence south to 10th Street?

15 A Yes, sir; everything to, 10th Street.

16 Q That has 1745 acres of orchard?

17 A Yes, sir.

18 Q Do you distribute up there for domestic purposes also?

19 A Yes.

20 Q The water which you distribute above 10th Street all
21 comes out of San Antonio Canyon?

22 A No, sir.

23 Q From what other quarter?

24 A From the 10th Street wells, the Frackish and Stern tun-
25 nel and the San Antonio tunnel.

26 Q Does that water come down there or come over to the
27 Ontario Colony above 10th Street?

28 A Yes, sir.

29 Q Does 19th Street run directly east from the Ontario

1. The first of these is the fact that the...

2. The second is the fact that the...

3. The third is the fact that the...

4. The fourth is the fact that the...

5. The fifth is the fact that the...

6. The sixth is the fact that the...

7. The seventh is the fact that the...

8. The eighth is the fact that the...

9. The ninth is the fact that the...

10. The tenth is the fact that the...

11. The eleventh is the fact that the...

12. The twelfth is the fact that the...

13. The thirteenth is the fact that the...

14. The fourteenth is the fact that the...

15. The fifteenth is the fact that the...

16. The sixteenth is the fact that the...

17. The seventeenth is the fact that the...

18. The eighteenth is the fact that the...

19. The nineteenth is the fact that the...

20. The twentieth is the fact that the...

21. The twenty-first is the fact that the...

22. The twenty-second is the fact that the...

23. The twenty-third is the fact that the...

24. The twenty-fourth is the fact that the...

25. The twenty-fifth is the fact that the...

26. The twenty-sixth is the fact that the...

27. The twenty-seventh is the fact that the...

28. The twenty-eighth is the fact that the...

29. The twenty-ninth is the fact that the...

30. The thirtieth is the fact that the...

31. The thirty-first is the fact that the...

32. The thirty-second is the fact that the...

colony to the Sourwine wells?

A Yes, sir.

Q Which way do they number? Do they number from north to south? Where is street number 1? Next to the foot hills?

A No, sir; below. It starts in Ontario. The numbers go north.

Q They number north?

A Yes, sir. 24th Street is about the head of the system.

Q What is the last numbered street toward the mountains?

A 26th, I think. My impression is it is 20th Street.

Q And this covers everything north of 10th street?

A Yes, sir.

Q Have you anyone to assist you in that territory?

A Not in the distributing of water.

Q You are the assistant zanjero? Who is your principal?

A Mr. McGill at the present time.

Q Do you do any of the distributing for the Ontario Power Company?

A The Ontario Power Company don't distribute only for domestic use.

Q Do you do any of it?

A Yes, sir.

Q Where?

A In the same district.

Q How do you keep a record or minute of the quantity of water distributed for domestic purposes?

A I make reports of all the users and they take their runs through meters, or some have flat rates. But I don't have anything to do with reading meters.

1. The first of these is the fact that the majority of the population of the United States is now living in urban areas. This is a result of the process of urbanization, which has been going on since the beginning of the 20th century. The process of urbanization is the movement of people from rural areas to urban areas. This is done for a variety of reasons, including the search for better living conditions, the desire for education, and the need for employment. The process of urbanization has led to the growth of large cities and the decline of small towns. This has had a significant impact on the way of life in the United States. The majority of the population now lives in urban areas, which are characterized by high population density, a high level of economic activity, and a high level of social organization. This has led to the development of a new way of life, which is based on the principles of urbanization. The new way of life is characterized by a high level of social organization, a high level of economic activity, and a high level of cultural activity. This is the result of the process of urbanization, which has led to the growth of large cities and the decline of small towns. The process of urbanization has led to the development of a new way of life, which is based on the principles of urbanization. The new way of life is characterized by a high level of social organization, a high level of economic activity, and a high level of cultural activity. This is the result of the process of urbanization, which has led to the growth of large cities and the decline of small towns.

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

THE UNIVERSITY OF CHICAGO

1 Is all the water of your district furnished for domes-
2 tic purposes supplied by the Ontario Power Company?

3 A Yes, sir.

4 Q How do you keep that water separate from what you sup-
5 ply for irrigation?

6 A I don't keep it separate. That is kept separate by
7 other parties.

8 The Court: Do you mean it runs through the same pipe?

9 A Yes, sir.

10 Mr. Britt: Q What is supplied for irrigation run through
11 the same pipes as that which is supplied for domestic pur-
12 poses?

13 A Yes, sir.

14 Q Does it all run through meters? Both for irrigation and
15 domestic waters?

16 A No, sir.

17 Q You measure over a weir to each consumer for irrigation?

18 A Yes, sir.

19 Q And you measure through a meter for domestic purposes?

20 A Some of them have meters and some of them have flat
21 rates, where there isn't very much pressure. There is
22 places where they don't use meters at all.

23 Q How do you determine the quantity which they receive
24 under those flat rates?

25 A I don't determine that.

26 Q Do these customers pay for the domestic waters?

27 A Yes, sir.

28 Q They don't pay you? You don't collect?

29 A No, sir.

[illegible]

1 As regards the distribution for domestic purposes,
2 what do you have to do?

3 A All I have to do is to see that each man has what we
4 call a sand box at the corner of his place and has his domes-
5 tic pipe attached to that box, and I see that the water is
6 in there for him.

7 Q And they receive their domestic water generally in
8 pipes?

9 A Into pressure pipes-- iron pipes.

10 Q And they receive their irrigation water into pipes,
11 flumes and ditches?

12 A They receive it generally in concrete head ditches out
13 of our cement pipe lines. We turn it out of our pipe lines
14 into what we call head ditches.

15 Q It is the same kind of water, I suppose, as is delivered
16 for domestic water?

17 A Yes, sir.

18 Q From the same source of supply?

19 A Yes, sir.

20 Q How can the quantity be determined delivered for irri-
21 gation and the quantity delivered for domestic purposes for
22 each consumer in those cases where there are flat rates?
23 Is it known at all?

24 A Yes, sir; it is known to us. We have a main pipe line
25 and the water is all measured out into distributing lines,
26 and I allow a little extra water in each line for domestic
27 use besides the irrigating head.

28 Q How do you determine how much that little should be?

29 A Just from the usage. I know just how much it takes for

10. I have been thinking of you very much lately.

11. I have been thinking of you very much lately.

12. I have been thinking of you very much lately.

13. I have been thinking of you very much lately.

14. I have been thinking of you very much lately.

15. I have been thinking of you very much lately.

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40. I have been thinking of you very much lately.

41. I have been thinking of you very much lately.

each pipe line. I know how many families are living on each pipe line and I determine that way.

Q. Do you divide the water to each pipe line for that purpose?

A. Yes.

Q. That means have you of knowing the quantity which you apportion to a pipe line for domestic use as distinguished from that part of it which is allowed for irrigation?

A. I am trying to get at the manner in which the San Antonio Water Company keeps its water in these pipes that is distributed to these people distinct from that of the Ontario Power Company.

A. They don't keep it distinct. The water all runs in the same pipe.

Q. Yes, I know. But doesn't each company know or does each company know anything about the quantity of water that it has distributed to Mr. Swain? He gets some domestic water, doesn't he?

A. Mr. Swain don't, because there is no building on his place.

Q. Well, take McNeil.

A. McNeil don't; but I can name plenty that do.

Q. Name somebody that does.

A. Mr. Nelson gets domestic water.

Q. How does he know the water that he gets from the San Antonio Water Company as distinguished from that which he owes the Ontario Power Company for?

A. If Mr. Nelson owns 10 shares it is measured out to him at his head ditch right through the same box, if he has

and give him a goodly amount of living

and give him a goodly amount of living

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1 a meter, and the meter is read and for the number of cubic
2 feet the bill is sent to him.

3 Q All in one bill?

4 A No, sir; there is no bill for the irrigation water. He
5 owns that water.

6 Q He gets that on his stock?

7 A Yes; but the domestic water, there is a bill sent
8 from the office to him, so much for domestic water.

9 Q How can anybody tell the amount that has been distrib-
10 uted to him-- the number of cubic feet of domestic water?

11 A By reading his meters.

12 Q And if he hasn't any meter?

13 A Then he pays a dollar a month; if the pressure isn't
14 very large and they don't consider it worth putting on
15 a meter, they charge him a flat rate.

16 Q Do you get any separate or independent pay or wages
17 for the care you give to that domestic water from the Ontario
18 Power Company?

19 A No, sir.

20 Q That company pays your salary?

21 A The San Antonio Water Company.

22 Q And besides looking out for the irrigation water you
23 also look out for this domestic water delivered by the On-
24 tario Power Company?

25 A Yes, sir.

26 Q And the San Antonio Company pays you for both services?

27 A Yes, sir. The domestic water is only charged for dur-
28 ing the irrigation season.

29 Q When you don't irrigate there is no charge for domest-

1. The first step in the process of creating a business plan is to conduct a market analysis. This involves researching the industry, identifying potential customers, and understanding the competitive landscape.

2. Once the market analysis is complete, the next step is to develop a business model. This involves determining how the business will generate revenue and how it will manage its costs.

3. The third step is to create a financial plan. This involves projecting the business's financial performance over a period of time, typically three to five years. This includes estimating revenue, expenses, and profit.

4. The fourth step is to develop a marketing plan. This involves identifying the target market, selecting appropriate marketing channels, and developing a budget for marketing activities.

5. The final step is to write the business plan. This involves putting all the information gathered in the previous steps into a coherent and professional document.

6. Once the business plan is complete, it should be reviewed and revised as needed. The business plan is a living document that should be updated as the business evolves and new information becomes available.

7. The business plan is a critical tool for entrepreneurs. It provides a clear roadmap for the business, helps to attract investors, and serves as a guide for decision-making.

8. In conclusion, creating a business plan is a complex but essential task for any entrepreneur. By following the steps outlined above, entrepreneurs can develop a comprehensive and effective business plan that sets them up for success.

1 ic water?

2 A No, sir; they are supposed to use it out of their stock
3 then if they don't use it for any other purpose.

4 Q Now I understood you to say that you had something to
5 do with spreading out water from the Cucamonga Creek in
6 times of freshet.

7 A Yes, sir.

8 Q And that you have been doing work of that sort for
9 ten years?

10 A Yes, sir.

11 Q Did you go on the ground with the men who were at work?

12 A Yes, sir.

13 Q There was a gentleman here the other day who had some
14 sort of a record of the number of days and the number of men
15 who were employed. What was his name?

16 A Mr. Manley.

17 Q Did you report to him the number of men that were on
18 that job?

19 A Mr. Manley up to the last two years has always sent me
20 the men. He is superintendent of construction work and he
21 has men working for him, and at the time of freshet he
22 sends me the men and I superintend the work.

23 Q The last two years?

24 A He has always done that; but the last two years I have
25 hired ~~men~~ some men to look after the same thing.

26 Q You were aiming to keep the water above 10th Street?

27 A Yes, sir.

28 Q When you went up there you went up some times with one
29 man and sometimes more?

1. The first thing I noticed when I stepped out of the plane was the fresh air. It felt like I had been in a bubble for the last few days. The sun was shining brightly, and the birds were singing. It was a beautiful sight.

2. The second thing I noticed was the smell of the ocean. It was a salty, briny scent that I had never before. It was a reminder of the vastness of the world and the beauty of nature.

3. The third thing I noticed was the sound of the waves. It was a rhythmic, soothing sound that I had never before. It was a reminder of the power of the ocean and the beauty of the world.

4. The fourth thing I noticed was the sight of the beach. It was a beautiful sight, with the sand and the water. It was a reminder of the beauty of the world and the beauty of nature.

5. The fifth thing I noticed was the feeling of freedom. It was a feeling I had never before. It was a reminder of the beauty of the world and the beauty of nature.

6. The sixth thing I noticed was the feeling of peace. It was a feeling I had never before. It was a reminder of the beauty of the world and the beauty of nature.

7. The seventh thing I noticed was the feeling of joy. It was a feeling I had never before. It was a reminder of the beauty of the world and the beauty of nature.

8. The eighth thing I noticed was the feeling of love. It was a feeling I had never before. It was a reminder of the beauty of the world and the beauty of nature.

9. The ninth thing I noticed was the feeling of hope. It was a feeling I had never before. It was a reminder of the beauty of the world and the beauty of nature.

10. The tenth thing I noticed was the feeling of life. It was a feeling I had never before. It was a reminder of the beauty of the world and the beauty of nature.

1 A Hardly ever less than two men and myself, and sometimes
2 six.

3 Q Do you go when you conclude that it is time to go or
4 do you wait for instructions from Mr. Lanley?

5 A I go whenever there is a freshet, without any instruc-
6 tions. Whenever there is much water coming down the stream.

7 Q When do you determine that?

8 A Judging from the rain fall.

9 Q You go up with two or three or four men and how high
10 up the stream do you go?

11 A I work from the mouth of it down to 19th Street.

12 Q You take the water out on the west side of it?

13 A We spread it anywhere where we can turn the water
14 out so that it will not all come down one stream. Any place
15 we can turn any water out at all, even if it runs a ways
16 and then comes back into the same stream. Anything to
17 keep it above 19th Street as much as possible.

18 Q Have you turned it to the west or have you turned it
19 to the east of the stream?

20 A The main channel is sometimes more to the east, and of
21 course we have turned it to the west, some portion of the
22 wash, till it comes down to where it spreads in every
23 direction. Further down the wash it widens out and we
24 apportion it in all the different places that we can in
25 order to keep it from coming below 19th Street.

26 Q You put in stone to make a sort of a dam?

27 A Yes, sir; after the rain is over the water is falling
28 every day, and we have to go back next day and fix it up
29 so as to keep diverting it every day, sometimes for weeks

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—continued from page 10—

1 time at a time, according to how much water we have.
2 A And those dams or obstructions wash out every day, do
3 they?
4 A No, sir; as the water lowers in the main stream we
5 have to build different dams to throw the water out.
6 Q Did any engineer ever make any diagram of the stream
7 up there or the places where you were to put in your
8 obstructions? Did you have anything to go by in the nature
9 of a chart?
10 A No, sir; I never had any chart, and I couldn't say
11 whether there has ever been any made or not. Mr. Hanley
12 had charge of the work before I took it over. Possibly
13 there is a diagram by the engineer.
14 Q But you never saw it?
15 A No, sir.
16 Q How many different places did you expect, whenever there
17 was a freshet in the creek, to put in those obstructions?
18 A It would be hard to say; any place that we could possibly
19 turn any water out between the mouth of the canyon and 19th
20 Street we put in those obstructions. In different seasons
21 it would be in different places.
22 Q There were no definite places where you could return
23 day after day and put in your obstructions?
24 A Some seasons there would be. They would all wash out.
25 This season the dams all washed out.
26 Q Your effort was to take the water mostly to the west of
27 the creek?
28 A No, sir; not particularly. It was to throw it west--
29 that is, after we got down the wash a way. There it start-

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 10. tenth of these is the fact that the

ed out we divided it up the best we could to prevent any of it going below 19th Street.

Q That San Antonio surplus of water or quantity which you brought over from the San Antonio Creek, commencing several years ago, you turned it in, as I understood you, at the 19th Street ditch in Ontario?

A Yes, sir; Euclid Avenue and 19th Street.

Q At the corner of Euclid Avenue and 19th Street?

A Yes, sir.

Q And when you first began to turn that water did you have a paved or cemented ditch or cobblestone ditch?

A Yes, sir; we had a very large cobblestone ditch for a ways running east.

Q Running along 19th Street?

A Yes, sir.

Q To the first wash?

A Well, the ditch didn't extend quite to the first wash. There was an open dirt ditch that did extend out to that natural wash. The paved ditch didn't reach out to the natural wash. It ran in the stone ditch part of the way and then went into the dirt ditch.

Q Did you hear the testimony of Mr. Hanley? I believe he testified about that.

A No, sir.

Q That wash into which the water is discharged through that 19th street ditch is the westernmost wash of the Cucamonga Creek?

A Yes, sir.

SUPERIOR COURT

1. The first step in the process of creating a new product is to identify a market need. This involves conducting market research to determine what consumers want and are willing to pay for. Once a need is identified, the next step is to develop a concept that addresses this need. This concept should be unique, valuable, and feasible. The third step is to create a prototype of the product. This allows the company to test the concept and make any necessary adjustments. The fourth step is to conduct a pilot test. This involves selling the product to a small group of consumers to gather feedback and assess demand. Finally, the company can launch the product on a larger scale, monitoring sales and customer feedback to ensure long-term success.

1 Mr. Maskell: Q I understood you to say that 10 shares
2 constitutes a head of water.

3 A Yes, sir.

4 Q One share represents one acre, doesn't it?

5 Mr. McKinley: Objected to as not cross-examination.

6 The Court: I am inclined to think it is cross-examination.
7 He went into the disposition of water according to shares.

8 Mr. McKinley: All right. I don't care.

9 A In the original laying out of the colony it did, but
10 it don't necessarily, now.

11 Q That is, some owners have more than one share to the
12 acre?

13 A Yes, sir; a great many owners have two shares to the
14 acre.

15 Q How many shares are there in this company that actual-
16 ly receive water?

17 A 6000.

18 Q How many acres of land are receiving water at the rate
19 of more than one share to the acre?

20 A I can give you the number of acres planted.

21 Q I wish you would do that.

22 The Court: You are speaking of the entire colony, or your
23 portion of it?

24 A I didn't know what he had reference to.

25 Mr. Maskell: A The entire Ontario colony is what I am
26 asking for now. The entire number of shares of water stock
27 represented by land and water being delivered in accord-
28 ance therewith.

29 The Court: A You have figures for the entire colony?

SUPERIOR COURT

1 A Yes, sir; 4007 acres planted.

2 Q And there are 6000 shares distributed on that amount
3 of land?

4 A Yes, sir.

5 Q Now, you receive some water from the San Antonio Creek
6 through a ditch, do you?

7 A Yes, sir.

8 Q And some water through the San Antonio tunnel?

9 A Yes, sir.

10 Q And that water is distributed on land both above the
11 10th Street pipe line and below it, isn't it?

12 A Yes, sir.

13 Q But none of the water from the 10th Street pipe line
14 or the Radie tunnel is distributed on land above the 10th
15 street pipe line?

16 A Above 14th Street.

17 Q Now, in your district you distribute water from the
18 San Antonio Creek, from the San Antonio tunnel and from
19 the 10th Street pipe line and from the Radie tunnel
20 pipe line, do you not?

21 A No, sir.

22 Q What do you distribute water from?

23 A From all of those but the Radie tunnel.

24 Q As I understood you in your direct examination this
25 water that comes through these various sources is a very-
26 ing quantity according to the season of the year and the
27 character of the year, whether wet or dry. Is that not
28 true?

29 A Yes, sir.

SUPERIOR COURT

[illegible]

1 Q Now then, in each month you have a new apportionment
2 of water, have you not? According to shares?

3 A Not in each month.

4 Q How often?

5 A We generally run the same amount of water up till about
6 August and then apportion it.

7 Q Then the amount of water which you deliver for any
8 given season is determined at the beginning of the irri-
9 gating season about to the month of August?

10 A Not particularly. If the flow goes down before August
11 of course we cut our heads of water down a little.

12 Q Who makes that cut? You as zanjero or the directors
13 of the company?

14 A The directors of the company has that in charge and
15 confers with us zanjeros.

16 Q And isn't that cut made by them upon a report of the
17 amount of water flowing from these various sources that
18 you have mentioned, given to them by you?

19 A Given to them by the engineer.

20 Q Is it not part of your duty to record the measurements
21 of the water flowing from the San Antonio Creek?

22 A Certainly it is part of my duty.

23 Q And is it not part of your duty to record the measure-
24 ments of water flowing from the San Antonio tunnel?

25 A Yes, sir; I think that is a duty.

26 Q And is it not part of your duty to record the measure-
27 ments of water flowing from the 10th Street pipe line?

28 A I don't use very much of that water.

29 Q I am not asking you how much you use, but is it not a

I have been thinking of you very much lately, and
 wondering how you are getting on. I hope you are
 well and happy. I have been very busy lately,
 but I have managed to find some time to write
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 lately, and wondering how you are getting on. I
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 and happy. I have been very busy lately, but
 I have managed to find some time to write to
 you. I have been thinking of you very much
 lately, and wondering how you are getting on.

part of your duty to record the measurement?

A No, sir.

Q But it is ~~xx~~ with the other two?

A Yes.

Q How often do you take that record?

A I took that measurement at least once a month and sometimes every day or so.

Q Have you got the original book of entry in which you took that record?

A No, sir.

Q Did you take and record it in a book or on a slip of paper?

A That is generally done by the zanjero and myself. And he takes the record of it and I record it on a slip of paper.

Q Have you got any of those slips of paper on which the record has been taken?

A No, sir.

Q What has become of them?

A I don't know.

Q What did you do with them?

A I don't ~~kn~~ suppose I have made any use ~~xx~~ ^{for} them and destroyed them, I suppose, or mislaid them.

Q But you did make a report of those measurements to the directors of the company?

A No, sir.

Q You made it to the zanjero?

A The zanjero and I do that and the engineer makes the reports of measurements.

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and T_2 are 1000 and 10000, respectively, and β is 0.001.

and stable in a single, self-regulating set

of administrative costs is dropped, a more satisfactory result is

the literature on the topic is extensive and is not reviewed in detail.

7994/2007, 2007-11-29, 2007-11-29

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100% 99% 98% 97% 96% 95% 94% 93% 92% 91% 90% 89% 88% 87% 86% 85% 84% 83% 82% 81% 80% 79% 78% 77% 76% 75% 74% 73% 72% 71% 70% 69% 68% 67% 66% 65% 64% 63% 62% 61% 60% 59% 58% 57% 56% 55% 54% 53% 52% 51% 50% 49% 48% 47% 46% 45% 44% 43% 42% 41% 40% 39% 38% 37% 36% 35% 34% 33% 32% 31% 30% 29% 28% 27% 26% 25% 24% 23% 22% 21% 20% 19% 18% 17% 16% 15% 14% 13% 12% 11% 10% 9% 8% 7% 6% 5% 4% 3% 2% 1% 0%

Q During this irrigating season you say that you some-
times delivered 40 or 45 inches to every 10 shares of
water?

A Yes, sir.

Q Is that the maximum amount of water that you delivered?

A Sometimes we delivered 50 inches in the early part of
the season.

Q Is 50 inches of water the maximum amount of water that
you delivered in the irrigating season?

A Yes, sir.

The Court: That is, a head, you mean?

A Yes, sir.

Mr. Haskell: Q Those heads are delivered once a month?

A Yes, sir.

Q Now are these surplus shares of stock over and above
the total number of acres that you say are irrigated owned
principally by the older orchards or the younger orchards
if you know?

A The orchards has nothing to do with it. That is, the
older orchards--

Q You know where you delivered the water.

Mr. McKinley : Let him finish his answer.

A Some individuals has owned water that had no use for
it at all and has rented it to other parties up to the
present time-- rented it to people that owned old groves.

Q You know where you delivered the water?

A Yes, sir; it is used by the older groves. I will
answer it that way-- all this surplus.

Q Now, in the year 1907 during the irrigating season you

SUPERIOR COURT

1. The first thing I noticed when I stepped out of the plane was the cold air. It was a sharp contrast to the warm, humid air of the tropics. I shivered slightly, pulling my jacket closer. The pilot, a young man with a friendly smile, greeted me as I disembarked. He handed me a small bag containing a map and some brochures. I thanked him and began to explore the city. The streets were wide and clean, with many trees lining the sidewalks. The architecture was a mix of modern and traditional styles. I walked for about an hour, taking in the sights and sounds of the city. I noticed that the people were very friendly and helpful. I asked a few questions about the city and was given very helpful answers. I continued to walk until I reached a large park. There were many people there, some sitting on the grass and others walking. I sat down on a bench and took a break. I looked at the map and saw that I was in the center of the city. I decided to continue my walk. I walked for another hour, passing many interesting buildings and parks. I was getting tired, but I didn't want to stop. I walked until I reached a large hotel. I went inside and asked the receptionist for a room. She showed me to a very nice room. I took a shower and got ready for bed. I was very tired, but I was also very happy. I had just arrived in a new city and everything was so perfect. I fell asleep with a smile on my face. The next morning, I woke up early and went to the park. There were many people there, some sitting on the grass and others walking. I sat down on a bench and took a break. I looked at the map and saw that I was in the center of the city. I decided to continue my walk. I walked for another hour, passing many interesting buildings and parks. I was getting tired, but I didn't want to stop. I walked until I reached a large hotel. I went inside and asked the receptionist for a room. She showed me to a very nice room. I took a shower and got ready for bed. I was very tired, but I was also very happy. I had just arrived in a new city and everything was so perfect. I fell asleep with a smile on my face.

had a large surplus of water flowing from the San Antonio Canyon that you didn't use, did you not?

A Yes, sir.

Q And as late as the latter part of June that amount of water was at least 400 or 500 inches?

A I can't answer that question. I don't know how much.

Q You saw the water flowing?

A Yes; I saw it at different times.

Q And it was allowed to run out in the wash and was not diverted?

A What we didn't use.

Q That has occurred in a number of seasons, has it not?

A In very heavy rainfall and lots of water in San Antonio Creek.

Q During that same period of time you were taking water from the 10th street wells?

A No, sir.

Q You were from the Ladie tunnel?

A We were not last year.

Q In 1907?

A I couldn't answer that. I haven't anything to do with the Ladie tunnel whatever. It is used entirely by the zanjero.

Q Have the older orchards or any of the orchards in the Ontario colony suffered for water during the last two years-- 1907 and 1908?

A Yes, sir.

Q Where?

A All over the colony last year.

1. The first of these is the fact that the majority of the population of the United States is now living in urban areas. This is a result of the process of urbanization, which has been going on since the beginning of the 20th century. The process of urbanization is the movement of people from rural areas to urban areas. This is a result of the fact that urban areas offer more opportunities for employment and education than rural areas do. The process of urbanization has led to the growth of large cities and the decline of small towns and villages. This has had a number of effects on the economy and society. One of the most important effects has been the concentration of wealth and power in urban areas. This has led to the development of a class system, in which a small group of people own most of the wealth and power, while the majority of the population is poor and has little or no political voice. This has led to a number of social problems, such as poverty, crime, and drug abuse. The process of urbanization has also led to the development of a new culture, which is based on the values and norms of urban life. This culture is different from the culture of rural life, which is based on the values and norms of agriculture and community. The process of urbanization has also led to the development of a new way of life, which is based on the use of modern technology and the pursuit of material wealth. This way of life is different from the way of life of rural life, which is based on the use of traditional technology and the pursuit of a simple life. The process of urbanization has also led to the development of a new political system, which is based on the interests of the urban population. This political system is different from the political system of rural life, which is based on the interests of the rural population. The process of urbanization has also led to the development of a new social system, which is based on the interests of the urban population. This social system is different from the social system of rural life, which is based on the interests of the rural population. The process of urbanization has also led to the development of a new economic system, which is based on the interests of the urban population. This economic system is different from the economic system of rural life, which is based on the interests of the rural population. The process of urbanization has also led to the development of a new cultural system, which is based on the interests of the urban population. This cultural system is different from the cultural system of rural life, which is based on the interests of the rural population. The process of urbanization has also led to the development of a new political system, which is based on the interests of the urban population. This political system is different from the political system of rural life, which is based on the interests of the rural population. The process of urbanization has also led to the development of a new social system, which is based on the interests of the urban population. This social system is different from the social system of rural life, which is based on the interests of the rural population. The process of urbanization has also led to the development of a new economic system, which is based on the interests of the urban population. This economic system is different from the economic system of rural life, which is based on the interests of the rural population. The process of urbanization has also led to the development of a new cultural system, which is based on the interests of the urban population. This cultural system is different from the cultural system of rural life, which is based on the interests of the rural population.

Q In 1908?

A Yes, sir.

Q Did they in 1907?

A I can't say that they did in 1907. We had much heavier rainfall in the winter before 1907.

Q Wasn't the crop of oranges and fruit produced in 1908 the most profitable fruit crop that was ever raised in Ontario?

A I don't know.

Q Don't you know it was reported to be the largest in quantity--

Mr. McKinley: Objected to as calling for hearsay, and not cross examination.

The Court: It is not cross examination.

Mr. Haskell: He has stated what he thinks is the necessary amount of water and he says that the trees suffered..

Now when they produce a large amount of fruit, it is proper cross examination--

The Court: Just as they say that when eggs are high the hens don't lay.

* * *

Q Weren't there more carloads of oranges shipped to the market and raised in Ontario and Ontario colony lands in 1908 than any other season?

A I couldn't answer that question exactly. I am not familiar with it.

Q You saw the fruit on the trees?

A We had a large crop; yes. A good crop.

Q And wasn't it larger than it was in 1907?

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1 A I can't say. I never not see any trees outside of my
2 district. just above 10th street. I don't know what it was
3 in the lower part of the district.

4 Q And as I understood you to say there are orange orchards
5 25 years of age that required 25 inches to 10 acres?

6 A No, sir.

7 Q What is it?

8 A About an inch to 3-1/3 acres.

9 Q Have you computed any of this acreage to see how much
10 you have actually delivered on any of it?

11 A Yes, sir; I know how much I have delivered on each of
12 the groves.

13 Q Have you got the record of it?

14 A I haven't got it in writing.

15 Q Have you got any memorandum of it?

16 A No; I haven't got any memorandum of it.

17 The Court: Q You mean that you compute it from your
18 memory?

19 A Yes, sir.

20 Mr. Haskell. I don't care to ask his memory on that ques-
21 tion because he has already stated the ~~data~~ total
22 amount of acres, and I think that is better than to ask
23 from memory what he delivered on any particular grove.

24 Mr. Britt: Q Is there anyone else besides the San An-
25 tonio Water Company distributing water for irrigation in
26 the limits of the Ontario Colony?

27 A No, sir.

28 Q There are no other sources of water supply there than
29 that of the San Antonio Water Company?

SUPERIOR COURT

and I will say, I never realized any more to make it up
doubtless, but even this I never did. I don't know if it was
in the first part of the century.

It was a long time before I was able to do anything, but
I was not able to do anything for a long time.

I was not able to do anything for a long time, but I was
not able to do anything for a long time.

I was not able to do anything for a long time, but I was
not able to do anything for a long time.

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I was not able to do anything for a long time, but I was
not able to do anything for a long time.

1 A In the Ontario colony? Oh yes. I was thinking of my
2 district. There is nothing in my district.

3 Q Who else distributes water within the limits of the
4 colony?

5 A I don't know whether they do now or not, but there was
6 an Ontario Water Company at one time that distributed water
7 there.

8 The Court: Irrigating water or domestic water?

9 A Irrigating water.

10 Mr. Britt: Does your district include Upland?

11 A No, sir; not all of it. 10th Street runs about through
12 the center of Uplands and my district runs to 10th
13 Street. You had reference to irrigating water?

14 Q Yes; I was speaking of irrigating water. Is there
15 any other concern distributing water for domestic purposes
16 in your district?

17 A In the town of Uplands there is a domestic water-- The
18 Citizens Land and Water Company, but it is all San An-
19 tonio Water Company stock. It is owned by the Citizens
20 Land and Water Company.

21 Q And the Ontario Power Company? You don't consider
22 that as a separate institution, I suppose? The Ontario
23 Power Company is distributing water there?

24 A Yes, sir, as I said before. In one sense of the word
25 I didn't consider it separate. It has the same stock-
26 holders. I didn't think of that part of it. I don't want
27 to contradict myself on that. The Ontario Power Company
28 is distributing water. I would like to correct that.

29 Q No, I understand. I believe I understand what you meant

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1 to say.

2 A It was irrigating water that I thought you meant. The
3 Ontario Power Company don't distribute any irrigating
4 water.

5 Q Has any objection been made to you from any quarter
6 against the turning of that water of the San Antonio Creek
7 through the 19th Street ditch and into the westernmost
8 wash? Has anybody objected to that sort of work?

9 A No, sir.

10 Q No injunction has been served on you?

11 A No, sir.

12 Q That water goes through the pipe line?

13 A It goes through different pipe lines.

14 Q Of the San Antonio Water Company?

15 A Yes, sir. Up to that point. Up to Euclid and 19th
16 Street.

17 Q And there it is turned out of the pipe into an open
18 ditch?

19 A Yes, sir.

20 Mr. Haskell: These heads of water are delivered for
21 a continuous run of 24 hours each?

22 A Yes, sir.

23 Q Do you know of any old orchard that has been receiv-
24 ing continuously for the last five years, say, or any num-
25 ber of years (that is, 25 years old) that has received and
26 been delivered to it water represented by as much as 20
27 shares of stock for each 10 acres?

28 A Yes, sir.

29 Q How many of such orchards are there?

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in 1911,

It was during the year that I became acquainted with
the late Mr. J. H. P. and his family.

The late Mr. J. H. P. was a man of great
ability and energy, and he was one of the
most successful men of his time. He was
born in 1840, and he died in 1911.

He was a man of great

energy and he was one of the

most successful men of his

time. He was a man of great

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energy and he was one of the

1 A I can't tell from memory. There is a number of them.
2 Some of them more than that. I know of orchards receiving
3 30 shares for 10 acres and have been for years. I can
4 give you the names of some of the parties.

5 Q Whose orchards?

6 A C. A. Harwood, for one.

7 The Court: Q Is that lemons or oranges?

8 A Lemons.. I know one orange grove receiving 30 shares
9 for five or six years. For the past five or six years, I
10 say. I don't remember exactly the number of years.

11 Q On what kind of soil is that orchard planted?

12 A That is inclined to be a little heavy soil; a little
13 adobe and part gravel in the ten acres.

14 Q Is that the largest amount of water that you know to
15 be delivered on any 10 acres?

16 A 30 shares is the largest amount that I know of.

17 The Court: Q Can you say from your observation and ex-
18 perience whether the use of 30 shares on 10 acres on
19 either one of those places is desirable or advantageous?

20 A Yes; on those very groves they make much more money
21 out of them than any groves I know of.

22 Q Do you know on what particular theory that excess of
23 water is used there over and above the average of the col-
24 ony? Is it by reason of the age of the trees or the soil
25 or what?

26 A It is by the age of the trees, principally.

27 Q But I understand there are other trees about the same
28 age using about the same amount.

29 A Those that are only using 10 shares are not making

1. I am a full time member. There is a number of full
time members here. I hope to increase membership
in the future. I am not sure how many are here.
I am not sure how many are here. I am not sure
how many are here. I am not sure how many are here.

... I don't remember exactly the words, at least
for lines six and seven. But the last line of six reads, I
think, I have not always been a good man.

Physically healthy and all time in that form of

[illegible]

of word you find twice in degree integral will only be 1/2

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no water. It is possible that the sea was not yet fully formed.

—[The old man] is worried that the girl will leave him.

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

A. I have been very busy with my work.

1 very good crops. That is, not what they ought to be.

2 Q You think they can use water representing more than
3 10 shares on most any 10 acres beneficially?

4 A Yes, sir; I know one man in the colony that used 50
5 shares on 10 acres at one time.

6 Mr. Britt: Q What sort of land? Gravelly, sandy or stony
7 land, or clay?

8 A It was sandy land, and lemon groves.

9 Q Lemon groves take more water than oranges for their
10 irrigation?

11 A Yes, sir; I think so.

12 Q How much more?

13 A To make a success they ought to have double the water.

14 The Court: Q Where the soil is the same?

15 A I know the soil has something to do with it. The soil
16 in my district is pretty much the same. There is a few
17 places that have adobe soil, but it is principally gravel
18 in my district.

19 Q Even where the soil conditions are the same, lemons
20 require more?

21 A Yes, sir; the trees might look all right without it,
22 but they don't grow to size quick enough.

23 Mr. Haskell: Q What was the minimum delivery in 1908 of
24 water per head?

25 A 20 inches half time. That is, 12 hours instead of

26 24.

27 Mr. Burr: Q Is that 1908?

28 A 1908?

29 Mr. Haskell: Q Yes, sir.

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quale un piano di lavoro. Questo è il caso di un piano di lavoro.

and it is very easy for you, but you are still a

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Table 1. *Mean and standard deviation of the dependent variables in the three groups*

[illegible]

and a full study of the role of the state in the economy. The study is a

Energy 2019, 11, 102

© 1997 Blackwell Science Ltd, *Journal of Internal Medicine* 241: 395–402

1. *Journal of the American Medical Association*, 1994; 271: 1033-1038.

...and the other side of the coin...

[illegible]

SUPERIOR COURT

1 A Excuse me. I misunderstood the question. I thought
2 you said '98. I would like to correct that. 1908, 40 inch-
3 es.

4 Q For full time?

5 A Yes, sir.

6 Q Why do you say there was a shortage in 1908?

7 A I don't think I said there was a shortage in 1908.

8 Q I understood you to tell me that on cross examination.

9 A 1898, I should have said. That is what I have refer-
10 ence to all the time.

11 Q I asked you about 1908.
12 A I misunderstood you.

13 Q There was a good supply in 1908?
14 A Yes, sir; we had a very good supply.

15 Q And enough to satisfy the needs of the colony?

16 A From the pumping plants and what other sources we had,
17 yes, sir.

18 Q And you made a good crop of oranges?

19 A A very good crop.

20 Q Then the orchards which received the most water were
21 those that have 30 shares to 10 acres only got one inch
22 to 3-1/3 acres?

23 A According to the kind of heads we are running.

24 Q Well, when you are running your maximum head of 50
25 inches for 24 hours.

26 A If we were running a 30 inch head and had 30 shares. It t
27 if we were running 40 inches, it would be that much more.

28

29

1. I am not a student of the school. I am a

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29.

RE-DIRECT EXAMINATION.

Mr. Molinley: Q What service did you provide in connection with the delivery of domestic water of the Ontario Power Company?

A I saw that the water was in the pipe lines of each user. Their pressure pipe is attached to the sand boxes at the corners of the ranches. Then they are in pressure pipes and I see that the water is running in the lines.

Do you have anything to do with examining meters?

A No, sir.

Now you referred in your cross examination or you were asked about this water being used for irrigation: Is all the water received by the San Antonio Water Company used for irrigation?

A Yes, sir.

What about domestic purposes?

A That is the Ontario Power Company water.

The water that the city of Ontario uses?

A No; of course; I didn't think of that. The town of Ontario and the town of Uplands owns so much stock which I think is used for domestic purposes.

Q That is part of the 6000 shares which they own?

A Yes, sir.

Do you know on how many shares of stock the company in Upland received water?

A 120.

Do you know on how many shares the city of Ontario receives water?

A No; I do not.

SUPERIOR COURT

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1 Q It is not in your district?

2 A No, sir.

3 Q Now with regard to these measurements: Do I understand
4 that you made the measurements of these waters coming in
5 from the different sources?

6 A I make the measurements at my convenience. The engin-
7 eers, of course, measure it.

8 Q Did you make any written reports?

9 A No, sir.

10 Q You don't know of any written reports in existence any-
11 where of your measurements?

12 A No, sir.

13 Q Did you ever turn any in to the office of the company?

14 A No, sir.

15 Q Now with reference to the surplus water in June, 1907:
16 How did that come to exist?

17 A I don't remember the dates there. If there was any
18 water at that time--

19 Q About that time. Mr. Haskell asked you if there was
20 any surplus water.

21 A There was surplus water in 1907, but I don't know how
22 long it lasted.

23 Q What occasioned it?

24 A The heavy rainfall. There was more water coming down
25 the canyon.

26 Q How early did irrigation begin that year?

27 A The first of May. A great many people didn't want
28 their water even then.

29 Q What is the usual irrigation season, Mr. Fuller, or is

It is not in your interest.

A few days later, I received a letter from you with regard to the matter. I was glad to hear from you and to know that you were still interested in the matter.

From the different sources, I have been able to obtain some information. I will be glad to discuss this with you at your convenience.

I have been thinking about the matter and I am sure that you will find the information I have obtained of interest.

I am sure that you will find the information I have obtained of interest. I will be glad to discuss this with you at your convenience.

I am sure that you will find the information I have obtained of interest. I will be glad to discuss this with you at your convenience.

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I am sure that you will find the information I have obtained of interest. I will be glad to discuss this with you at your convenience.

1 there a usual irrigation season?

2 A Usually from the first of May to anywhere from the
3 first of November to the first of December.

4 Q How wide has been the range of variation since you
5 have been zanjero?

6 A Some seasons we irrigated all the season and never stop-
7 ped at all.

8 Q You mean all the year?

9 A Yes, sir. When we had a light rainfall.

10 Q You spoke of orchards receiving water upon more than
11 one share to the acre. Those orchards received whatever
12 delivery corresponds to the number of acres they held?

13 A Yes, sir.

14 Q With reference to the character of those orchards re-
15 ceiving that amount, are there any other orchards of the
16 same character of soil and condition in your colony or
17 district?

18 A Yes, sir.

19 Q How large a portion of them receiving that large
20 amount?

21 A There is quite a large portion. There isn't so very
22 much difference in the soil in ^{the} ~~that~~ district. There is
23 some heavy land, but as a general rule most of it is
24 gravelly land.

25 Q Can you approximate the acreage of lemons in your
26 district?

27 A I couldn't very accurately. There is not a very large
28 acreage of lemons.

29 Q About what?

1 BENJAMIN
2 SUPERIOR COURT

There is a small, but very important, difference

between the two. The first is the question of the

effect of the change in the rate of interest.

The first is the question of the effect of the

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The twelfth is the question of the effect of the

change in the rate of interest.

The thirteenth is the question of the effect of the

change in the rate of interest.

A Probably 200 acres; not to exceed 300, I think.

Q Those are of varying age also?

A Yes, sir.

Q Are there any old lemon or larders among them?

A Yes, sir; there is no lemon orchard as old as the oldest orange grove, but there are few quite old lemon orchards.

Q About how ~~many~~ old?

A About 20 years.

Mr. Britt: When you speak of the necessities of orchards of different ages for different quantities of water, you have reference, I suppose, to the irrigating season? An orchard which you say requires an inch to 3-1/3 acres requires it during the irrigating season?

A Yes, sir.

Q And not throughout the year? A No, sir.

Mr. Haskell: Some of these orchards had a surplus of water?

A None of the orchards has any surplus. Some individuals that own water that don't own orchards have been renting.

Q How is that? A Some of the individuals in the colony that owned water stock that don't own orchards that they care to put it on rented their water out.

Q They have water to rent? A Some have done that.

Q About how many people? A It has varied very much. A number of years ago there was quite a number of them. Now there is very few. Not over a dozen people, probably.

SUPERIOR COURT

1. The first thing I noticed when I stepped out of the plane was the fresh air.

2. It felt like I had been in a bubble for the last few days, and now I was finally back in the real world.

3. The sun was shining brightly, and the birds were singing their hearts out.

4. I took a deep breath and felt a sense of peace wash over me.

5. It was a beautiful day, and I was finally home.

6. I walked down the stairs of the plane, feeling a sense of freedom.

7. The ground felt so firm under my feet, and the sky was so blue.

8. I looked up at the clouds and felt a sense of awe.

9. It was a beautiful day, and I was finally home.

10. I walked down the stairs of the plane, feeling a sense of freedom.

11. The ground felt so firm under my feet, and the sky was so blue.

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26. I walked down the stairs of the plane, feeling a sense of freedom.

27. The ground felt so firm under my feet, and the sky was so blue.

28. I looked up at the clouds and felt a sense of awe.

Q How much water do they have to lease in that way?

A Not very much; if I wanted need to lease 40 or 50 shares; this year he is only leasing out two shares.

Q That is the same Harwood that owns so much of his own land isn't it?

A Yes, sir.

Q Is he more water than he knows what to do with on his own land?

A Well, he has not got very much land and he owns considerable waterstock.

Q Does this 4667 acres planted in the Colony include the lands which are supplied with water by purchases from Mr Harwood and other stockholders who have a surplus of water to sell, as well as lands which are supplied directly with water by the San Antonio Water Company?

A Yes, sir.

Q The Court, if you please by purchases from the owners of the shares?

A Mr Harwood had some surplus water, and one or two other ranchers would rent it from him.

Q Mr Joliffe, is it all represented by the San Antonio stock?

A It is all San Antonio stock.

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C. H. DYER.

C H Dyer, a witness called by defendants being first duly sworn, testified as follows:

Direct Examination

Q Tell us your name.

A On the Desert at Johnnie.

Q Have you ever resided at Ontario?

A I have resided there 20 years altogether.

Q And during what time did you reside there?

A Well, I came to Ontario 20 years ago.

Q What time did you not reside there during the 20 years?

A During the years from 1887 to 1893 I did not reside there and during the last year.

Q What connection have you had with the San Antonio Water Company during the period that you were there?

A From 1894 to 1897 inclusive I was manager, and from 1902 to 1903.

Q Will you describe how the distribution of water was carried on under your management as manager, by the San Antonio Water Company?

A When I took charge it had not been systematized; the grove were young and it had been run - the pipe lines were inadequate and it had been rather irregularly, and from that time there was a thorough system organized; new pipe lines were laid, distributing boxes put in, and a system organized by which the water was distributed to each irrigator in equal heads at equal intervals, so that each stockholder should receive an equal amount of water.

In that way, as it developed, each stockholder should

holder should receive?

A. An estimate was taken at the beginning of the season as to the probable amount of water on hand; the amount of stock was considered, or rather the amount of land to be irrigated and the amount of water required, and this water was divided into the requisite number of heads, in order that the heads might come around once every thirty days; it requires eighteen heads of water to make the round of irrigation in Ontario, in thirty days; so by taking measurements from the different sources we ascertained the amount of water at the beginning of the month available, which will probably run for thirty days; we divided that water into heads, after deducting the water necessary for domestic purposes, and then estimate the size of our heads, so that each man has a set estimate is made; the Santa Ana Water Company is a mutual benefit association and each member is supposed to have equal rights, and an equal amount of water.

Q. You have proportionate to his shares?

A. Proportionate to the shares; the water stock is not necessarily attached to the land.

Q. Where were the waters distributed on the stock delivered?

A. The water is delivered to the highest point of each lot to be irrigated.

Q. I mean in the way of distribution. What form the distributing system of the San Antonio Water Company ever? Does it cover the Colony lands, or anything outside?

A. It simply is used within the colony lands, or used by the holders of the stock.

Q. Where can it be used by the holders of the stock?

Q Any part of the irrigation system.

Q Does the irrigation system cover anything except the lands in the Ontario Colony?

A No, sir.

Q Under your management is zanjaro was water delivered for domestic purposes also?

A Yes, sir.

Q Who received water for those purposes?

A The residents and the people living in the town, and the ranchers received domestic water.

Q How did the people in the City of Ontario get domestic water?

A By owning San Antonio Water Company stock, and the water was delivered to them at a certain point. Instead of being delivered in tanks every thirty days.

Q To the people or to the City?

A To a point in their lines, - delivered into their lines at a point on our lines.

Q To whose lines was it delivered?

A The Ontario City lines.

Q What amount of stock did the Ontario City have?

A In 1898 they had 74 - - It was entitled to 34 inches of water; they had I think 240 shares of stock.

Q Or Burr, A Was that 1898 or 1900?

A In 1907.

Q McKinley, A What amount of water was delivered to the Upland Water Company? What amount of stock did the Upland Water Company have?

A Mr. Keller had charge of that and I don't remember that.

SUPERIOR COURT

1 Q In the distribution of water were there any times when
2 the water would not be spread in 24 days, while you were
3 Sanjaro? *the purpose of my being here is to get the water spread*
4 *is not during the last period.*

5 Q Not during from 1871 to 1903? *from 1871 to 1903*
6 A Yes. *the purpose of my being here is to get the water spread*

7 Q State whether you had anything to do with the diversion
8 of the storm water over the debris cone?

9 A I did not have any immediate supervision of it; I knew of
10 it being done.

11 Q You simply observed it done? *the purpose of my being here is to get the water spread*
12 A Yes, sir. *the purpose of my being here is to get the water spread*

13 Q You distributed as I understand it, the water in the
14 district other than Mr Fuller's, covering all the rest of
15 the distribution a what not covered by Mr Fuller?

16 A Yes, sir. *the purpose of my being here is to get the water spread*

17 Q What was the acreage of citrus fruits planted in your
18 district?

19 A I have a similar report of Mr Fuller that we have made
20 out since yesterday, made from memory; This report could not
21 be precise to tell the amount of acreage planted each year,
22 as there is no means to get at that without a great amount of
23 work, but from memory we could tell the amount of acreage
24 planted previous to certain dates. *the purpose of my being here is to get the water spread*

25 Q Well, will you state that?

26 A In my district, the amount of acreage previous to 1854,
27 trees planted previous to 1854 was 1000 acres; from 1854
28 to 1903, 200 acres; from 1900 to 1909, 140 acres; making a
29 total of 1340 acres; together with the amount already grown

$$C_{\alpha}^{\beta} = \frac{1}{\alpha! \beta!} \frac{\partial^{\alpha+\beta}}{\partial x^{\alpha} \partial y^{\beta}} f(x, y) \Big|_{x=y=0}$$

1. The first group of people who are interested in the study of the history of the world are the historians. They are people who study the past and try to understand what happened and why it happened. They use a variety of sources, including books, documents, and artifacts, to reconstruct the past. They also try to understand the people who lived in the past and how they thought and felt. Historians are interested in the history of the world because it helps them to understand the present and the future.

1 to by Mr Fuller, making a grand total of 4687 acres.

2 Q With reference to the portion thereof planted previous
3 to 1894, can you give us any idea as to the relative ages of
4 these trees?

5 A Previous to 1894, for possibly four or five years, there
6 was a considerable amount of planting, so that perhaps one-
7 third or one fourth or one fifth of the amount previous to
8 1894 was planted within five years of that date.

9 Q And the other portion previous to that?

10 A Yes, sir.

11 Q During all this period that you have been in Ontario
12 you have been acquainted with the raising of Citrus fruits?

13 A Yes, sir.

14 Q And the raising of water?

15 A Yes, sir.

16 Q And the amount of water necessary to be used in connection
17 with Citrus fruits?

18 A Yes, sir.

19 Q What in your opinion is the amount of water necessary for
20 the proper irrigation of citrus orchards, explaining as to
21 the various ages, and average it up as to the soil in your
22 district there?

23 A The soil conditions vary; but a small orchard will get
24 along nicely for six years on an inch of water to 10 acres.

25 The Court Q By a small orchard you mean a young one?

26 A From one to six years old. And from 6 to 15 years old,
27 two inches of water is ample.

28 Mr De Kinley. Q That amount would you say was sufficient.

29 A Well, it is sufficient to keep it in good growth and bear

(continued)

the crops, with other proper care of fertilizing and cultivation.

Q. Proceed.

A. From 10 years, an inch to four acres is sufficient.

Q. From 10 years up to any age?

A. From 10 to 20 or 25 years.

Q. How about older than that?

A. I have not had any experience with trees older.

Cross Examination

Q. Well, I am just the same person of that name who was a director of the Ontario Power Company for a time, is he?

A. No, sir; my father.

Q. In your district where you supplied water as manager was any other concern operating for that purpose to distribute water besides the San Antonio Water Company?

A. Yes, sir; the Ontario Power Company, during the dry weather months, they distributed water through their pipe lines to the different orchards that also had stock in the San Antonio Water Company.

Q. Were their pipe lines any different from the San Antonio Water Company's pipe lines?

A. They were similar lines, but separate; cement and concrete. They had no connection whatever with our pipe lines.

Q. Did the San Antonio Water Company cease to distribute water in the dry weather months?

A. No, sir.

Q. Mr. Jelliffe: I think the witness made a mistake in saying the Ontario Power Company; he said the Ontario Water Company. He meant to say the Ontario Water Company.

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CHICAGO, ILLINOIS

1960

1 A Yes, sir; the Ontario Water Company; did I say Power
2 Company? I meant the Ontario Water Company.

3 Q Then both those companies distributed water during the
4 irrigating season?

5 A Yes, sir.

6 Q Where does the Ontario Water Company obtain its supply?

7 A North of Claremont, or within the city limits of Claremont.

8 Q Where is that situated with reference to the Ontario
9 Colony?

10 A Two miles northwest.

11 Q Do you know approximately the quantity of water distri-
12 buted by that concern? The Ontario Water Company, derived
13 from the source you mention?

14 A Sixty inches.

15 Q Supplying how many acres?

16 A I couldn't tell you that.

17 Q Does that company supply lands which are wholly unsupplied
18 by the San Antonio Water Company, or does that supply lands
19 which are in part supplied by the San Antonio Water Company?

20 A Both; both lands that have no San Antonio Water Company
21 stock and lands that have.

22 Q You speak of the Ontario Water Company as making its dis-
23 tribution of water during the dry months: Does it go out
24 of business the rest of the year?

25 A It usually distributes water during the months of July,
26 August and September.

27 Q And then does not distribute during the rest of the year?

28 A No, it does not.

29 Q For what reason?

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1 A For the reason that water stock can be procured for
2 land that has been irrigated during the other seasons that
3 is not used by other stockholders.

4 Q Do you own San Antonio Water Company's stock?

5 A San Antonio Water Company's stock; yes, sir.

6 Q That water can be procured from the San Antonio Water
7 Company's stockholders to irrigate the lands which are sup-
8 plied by the Ontario Water Company at less cost than the
9 Ontario Water Company can furnish water?

10 A Yes, sir; during the months which are not included
11 in the dry season.

12 Q And the definition of the dry season there is July,
13 August and September?

14 A Yes, sir.

15 Q Is there any other water company or anybody engaged in
16 the sale or distribution of water in your district of some
17 2900 acres, besides the Ontario Water Company?

18 A No, sir; the Ontario Water Company; and the Foster Com-
19 pany as a part of that company.

20 Q Part of what company?

21 A Yes San Antonio Water Company.

22 Q This Ontario Water Company which receives its water from
23 Claremont has water to distribute during the rest of the
24 year has it?

25 A By passing; yes, sir; they get their water from wells.

26 Q I understand you to say that you as manager attended to
27 the distribution of the water in this district of some
28 2900 acres, from 1902 until 1905?

29 A Yes, sir.

SUPERIOR COURT

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1 But not inclusive of 1908?

2 No, sir.

3 Including the year 1907?

4 Yes, sir; six years.

5 In 1907 I understand you to say that the City of San Antonio
6 received 34 inches of water on 240 acres of stock in the
7 San Antonio Water Company?

8 Yes, sir.

9 And I suppose that all other stockholders received a sim-
10 ilar apportionment of the water?

11 Similar apportionment; yes, sir.

12 Now perhaps you can tell us without computation the num-
13 ber of shares which entitle the holder to a flow of one
14 inch at that rate?

15 That was equal to one and one-third inches to ten shares
16 of stock.

17 Each ten shares entitled the holder to receive what?

18 To receive 40 inches of water, 34 hours, once every
19 30 days.

20 And that was the equivalent of one and one-third inches
21 in perpetual flow?

22 Yes, sir.

23 And the total quantity of stock was 6000 shares?

24 Yes, sir.

25 And the water available then for distribution at that
26 rate would be 900 inches in perpetual flow?

27 To have 900 inches to furnish that water, on
28 account of domestic water and loss in sewage and loss in
29 the general distribution of water; in the practical distribu-

1 bution of water is cannot be distributed down to a nice
2 point of inches; there is bound to be a loss; so that in
3 order to distribute 40 inches of water for the whole amount
4 there had to be 900 inches of water running in the pipes;
5 Q In as much as the City of Ontario received this 34 inches
6 I infer that you had the 900 inches running in the pipes
7 that year?

8 A Yes, sir.

9 Q Did that include water distributed by the Ontario Power
10 Company?

11 A Yes, sir; the Ontario Power Company owns water stock of
12 the San Antonio Water Company which entitles them to water
13 which they can distribute the same as any other stockholder
14 of the San Antonio Water Company.

15 Q Well, did that include the water which was drawn from the
16 Esch tunnel by the Ontario Power Company?

17 A It could be; yes, sir.

18 Q 900 inches?

19 A Within the 900 inches; yes, sir.

20 The Court. Q In speaking of the 900 inches do you mean all
21 the water from all sources?

22 A From all sources.

23 Mr. Britt. Q And you include in that the water which the
24 Ontario Power Company was entitled to have drawn from the
25 Esch tunnel?

26 A Yes, sir.

27 Q All of that water went into a reservoir fund or pool for
28 distribution?

29 A Yes, sir.

Q Well, the Ontario Power Company you say had some stock in the San Antonio Water Company: What was the amount of stock? Do you know?

A I don't remember the amount of stock; but it was more than sufficient to cover all water that they sold - that they rented.

Q Do you mean for distribution and for irrigation?

A Yes, sir.

Q Outside of the City of Ontario?

A Yes, sir.

The Court Q Speaking of the distribution of domestic water, did the Power Company distribute any domestic water within the cities of Upland and Ontario?

A I think they sold at one time - they sold or rented some few shares to the town of Ontario.

Q You say rented: That was temporarily used?

A Yes, sir.

Q But generally speaking, the water supplied to the municipalities was by virtue of the stock which the respective cities owned?

A Yes, sir; the majority; the City of Ontario doesn't own a sufficient amount, and they rent water from whatever source they can get it from time to time to supply that amount.

Besides these domestic systems, there are several other systems, private systems, where San Antonio stock is used to supply domestic pipe systems, scattered over different parts of the Colony.

Q Are there any of these other systems you speak of incorporated?

1. The first thing I noticed when I stepped out of the plane was the cold air. It was a sharp contrast to the warm, humid air of the tropics. I had heard that the weather in the north was harsh, but I didn't realize how cold it would be. The wind was biting, and the sun was a pale, distant orb in the sky. I wrapped my coat around myself and tried to ignore the shivers running down my spine. The landscape was a flat, desolate expanse of white, stretching as far as the eye could see. There were no trees, no bushes, nothing to break the monotony of the snow. The only sounds were the crunch of my boots on the frozen ground and the occasional howl of a distant wolf. I had heard that the wilderness was beautiful, but this was not the beauty I had imagined. This was a harsh, unforgiving world, one that would test the limits of human endurance. I took a deep breath, trying to steady my nerves. I had come here for a reason, and I was determined to see it through. The journey ahead would be long and difficult, but I was ready for whatever came my way. I turned my back on the cold and walked forward, leaving a trail of footprints in the snow. The sun dipped below the horizon, and the world was plunged into a deep, dark night. The stars came out, shining brightly in the black sky. I looked up at them, feeling a sense of awe and wonder. In the face of the vastness of the universe, my worries and fears seemed so small. I was a tiny speck in a vast, cold world, but I was also a part of it. I was here, and I was going to stay. I took another deep breath and continued on my way. The cold was still there, but it no longer felt so overwhelming. I had adapted to it, and I was beginning to see the beauty of this harsh world. The snow was like a soft blanket, and the silence was a comforting embrace. I was alone, but I was not lonely. I was part of something greater than myself. I was part of the wilderness.

1 Q. No, sir.

2 Q. But in any event they take whatever domestic water they
3 use as stockholders of the San Antonio Water Company?

4 A. No, sir.

5 Q. Mr. Britt, are you a stockholder in the San Antonio Water
6 Company?

7 A. Not at present; no, sir.

8 Q. Were you an officer of the company at any time, a director

9 A. No, sir.

10 Q. And as manager from 1902 to 1907 inclusive did you have
11 charge of the distribution of both domestic and irrigation
12 water, for both these purposes, in your district?

13 A. Yes, sir.

14 Q. You attended to the distribution for the Interior Power
15 Company of the water distributed by it?

16 A. That was not in existence at that time.

17 Q. The Interior Power Company?

18 A. No, sir.

19 Q. Was not in existence from 1902 to 1907?

20 A. Oh, 1902 to 1907 - Yes, sir.

21 Q. Yes. Did you have charge of the distribution of that
22 water they distributed for domestic use and for irrigation
23 in your district?

24 A. Yes, sir.

25 Q. Did you receive any separate compensation from the Interior
26 Power Company?

27 A. No, sir.

28 Q. Did you receive all of your compensation, your wages
29 or salary from the San Antonio Water Company?

1 A Yes, sir.

2
3 Q Mr Haskell, do the Ontario Water Company irrigate how large
4 an area of land?

5 A They irrigate different pieces of land within the Ontario
6 Colony lands.

7 Q Their lands are included within this total acreage
8 that you have already given?

9 A Yes, sir. They have their own pumping system
10 and the water runs through their discharge and they
11 operate their own plant.

12 A Sixty inches.

13 Q Why don't they operate through the entire season?

14 A Because the lands don't require it; the San Antonio Wa-
15 ter Company has sufficient and can be obtained cheaper.

16 Q They only operate in July, August and September as I
17 understand you.

18 A Sometimes in October; but the usual months are during
19 the driest months.

20 Q And it is cheaper to let the water run out of the Radio
21 Tunnel than it is to pump it on their own lands isn't it?

22 A I don't know anything about that; a stockholder of the
23 San Antonio Water Company has the right to use the water
24 which he is entitled to at any time of the year.

25 The Court, Q This 50 inches that you speak of as belonging
26 to the Ontario Water Company -- Is that by virtue of holding
27 stock in the San Antonio Water Company?

28 A No, sir.

29 Q Where does that water come from?

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1 A it comes from the wells at Ularabont.

2 Mr. Munkell, 1 As to this 60 inches, some of the owners
3 of the water of the Ontario Water Company also have stock
4 in the San Antonio Water Company?

5 A Some of them do and some of them do not.

6 Q But they are all supplied and are contained in the total
7 number of acreage that you have given?

8 A Yes, sir.

9 Q And all supplied from the San Antonio water system?

10 A Yes, sir.

11 Q ~~And those who do not have stock, of those~~
12 you have spoken, would stock from those who have a surplus?

13 A Yes, sir.

14 Q About how many of those are there? How many acres of land
15 are they irrigating?

16 A I can't give that from my memory. Because the system is
17 so varied, the demand is so varied; some season of the year
18 there is a great deal more stock raised and used
19 than other seasons of the year; some years the entire amount
20 of stock, in past history, has not been used.

21 Q I understood you to say there were other pumping plants
22 in operation than those operated by the Ontario Water Com-
23 pany, and not owned by the San Antonio Water Company?

24 A No, sir; I didn't say that.

25 Q No other pumping plants there?

26 A No, sir; there are none coming into the Colony of Ontario.

27 A Yes.

28 Q No, sir.

29 Q And no water brought in from any outside sources and

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1 distributed through this installment of the acreage that you
2 have given? Q Now, you are assuming that this water is
3 A No, sir.

4 Q Indirect irrigation. Is it correct?

5 A It is a kind of thing that has been in operation since it has been
6 operating?

7 A Ten years.

8 Q Has it operated in the last few seasons?

9 A Yes, sir; not as much as it did previously; but it has
10 operated fairly every season.

11 Q It has a pumping plant at Claremont?

12 A Yes, sir.

13 Q Now, the supply furnished by the Ontario Water Company
14 is entirely additional to anything furnished by the San An-
15 tonio Water Company?

16 A Yes, sir.

17 Q And is not represented by stock at all? It has no rela-
18 tionship to the stock?

19 A No, sir.

20 Q Now, with reference to water being furnished to other
21 parties for domestic uses: what other parties are there there?

22 A Well, there are residents in the outlying suburbs of
23 Ontario that have systems whereby water is turned to them;
24 then there are parties who have subdivided plots of land, who
25 have water turned in at certain points according to the
26 stock which they own.

27 Q I would like for you to give in detail the different
28 parties and the amount of water furnished, and the amount of
29 stock upon which they take water for domestic purposes.

1. The first of these is the fact that the
2. second is the fact that the
3. third is the fact that the
4. fourth is the fact that the
5. fifth is the fact that the
6. sixth is the fact that the
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8. eighth is the fact that the
9. ninth is the fact that the
10. tenth is the fact that the

1 The Court: How far to west of there?

2 A Not completely; I have two systems which take five inches
3 each to supply - -

4 Mr. Mahaley: Well, we will take that up afterwards.

5 The Court: Will there be some systems outside of your dis-
6 trict that you do not have direct personal knowledge of that
7 Mr. Fuller might know better about?

8 A Yes, sir.

9 Address the question

10 Mr. Mahaley: Was it part of your duty to measure the water
11 flowing over the weirs from the various sources of supply of
12 the San Antonio Water Company?

13 A No more than simply to ascertain the amount so that I
14 could regulate my heads; I made no official report of that to
15 the head office whatever; I simply made these measurements to
16 ascertain the amount of water which we had on hand, in order
17 to regulate my heads each month; but it was not an official
18 measurement and did not have to be reported to the office.

19 Q Did you make any memoranda of those measurements?

20 A No, sir.

21 Q Were you instructed not to do so?

22 A I was not instructed not to do it or to do it; but I
23 did it for my own benefit and therefore I did not keep any
24 record of it.

25 Q Well, do you have any officer or employee of the company
26 that did keep a record of those measurements?

27 A I understand there was an engineer that did keep a ver-
28 record of the flow of water from different sources.

29 Q Did they have any self-registering weirs?

1 A Yes sir.

2 Q And it was part of your duty to see that they were kept

3 in order?

4 A Yes, sir.

5 Q And you had to place the registering wheels in the weir?

6 A Yes sir.

7 Q And did you turn those wheels over to?

8 A To the officers in the office of the San Antonio

9 Water Company.

10 Q You made that report to them?

11 A I simply turned over the wheels; it was no report whatever

12 A It was your duty to adjust those self-registering weirs

13 was it not?

14 A Yes, sir.

15 Q How many of those were placed the weir?

16 A I simply had charge of one register.

17 Q Where was that?

18 A At the mouth of the Santa Fe tunnel.

19 Q Was there a register on the Santa Fe tunnel from the San

20 Antonio Canyon?

21 A Not of late. Yes, sir.

22 Q Was there a registering weir on the San Antonio tunnel?

23 A A portion of the time there was but I never took any

24 measurements there.

25 Q Was there a registering weir on the 10th Street weir?

26 A Yes, sir; that was kept by other parties.

27 Q Do you know who kept it?

28 A No.

29 Q Now, it was your duty to keep the self-registering weir

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SUPERIOR COURT

1 weir in order and place the sheets and keep the sink in
2 order that operated it at the Radio Manual, was it?

3 A Yes, sir.

4 Q And you did that correctly did you?

5 A Yes, sir.

6 Q And once a month you turned those sheets in?

7 A As soon as they were filled, whatever time it took.

8 Q How often did you have to adjust them?

9 A I remember once a month or something like that; I don't
10 know.

11 Q During what years did you keep such a register in order?

12 A During the years of 1906 and 1907.

13 Q And 1908?

14 A Not 1908; no, sir.

15 Q You haven't kept any since 1906?

16 A 1907.

17 Q You didn't keep any last year?

18 A No, sir; I wasn't manager last year.

19 Q What officer did you turn those sheets in to?

20 A The President of the Company.

21 Q And kept the records?

22 A Yes, sir.

23 Q Do you know whether or not such registers and registering
24 books were kept before your time or not?

25 A Not before my time; there were such registers before
26 kept in other places that I didn't have charge of.

27 Q When did you begin your work for the company?

28 A The first time in 1902.

29 Q And did you then have charge of the Radio Manual at that

time?

A Yes, sir.

Q Was there a registering weir there at that time?

A I think there was one higher up; there was none at the mouth of the tunnel I think at that time.

Q There was one in the tunnel itself wasn't there?

A Yes, sir.

Q At the weir a little from the mouth of the tunnel. And did you have charge of that weir?

A No, sir.

Q Who did?

A I don't know.

Q Now, in 1906 was there a weir there?

A I couldn't tell you.

Q What year do you say you began to have charge of that weir, of that register and weir?

A 1906 and 1907 I had charge of the - -

Q Was there a registering weir there in 1908?

A I don't remember.

Q In 1908?

A No, sir; I think not; I don't remember.

Q There was a system of measurements wasn't there?

A I presume there were; I didn't have charge of that department; it wasn't in my line and I didn't pay but little attention to it.

Q You didn't have charge of it?

A No, sir.

Q Do you know who did?

A I think of Frank Hill.

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Q Now, who had charge of the registering, well on the 10th street wells?

A I don't know.

Q And the San Antonio Tunnel?

A No.

Q And the ditch leading from the San Antonio Creek?

A No, I don't remember.

Redirect Examination.

Q Mr. Finley, what service did you perform with reference to the handling of the water of the Ontario Power Company?

A Simply as any other stockholder in the San Antonio Water Company.

Q What did you do with reference to their water?

Anything? The Ontario Power Company?

A No, I had nothing to do with it, any more than to distribute it, according to the orders given.

Q What is your distributed to on the stock they had to the Ontario Power Company?

A Yes, sir.

Q And you had nothing whatever to do with doing any work for the Ontario Power Company?

A No, sir, none whatever.

Recross Examination.

Q Didn't you look after the distribution of their water to their consumers - the Ontario Power Company consumers?

A No, sir.

Q The private managers of the different systems had that in charge; I simply turned over the amount of water which

and so on. The first part of the paper is devoted to a discussion of the
theoretical aspects of the problem. The second part is devoted to a
discussion of the experimental results. The third part is devoted to a
discussion of the conclusions. The fourth part is devoted to a
discussion of the future work. The fifth part is devoted to a
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discussion of the appendix. The eighth part is devoted to a
discussion of the bibliography. The ninth part is devoted to a
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discussion of the list of television terms. The forty-fifth part is devoted to a
discussion of the list of radio terms. The forty-sixth part is devoted to a
discussion of the list of computer terms. The forty-seventh part is devoted to a
discussion of the list of internet terms. The forty-eighth part is devoted to a
discussion of the list of mobile phone terms. The forty-ninth part is devoted to a
discussion of the list of social media terms. The fiftieth part is devoted to a
discussion of the list of modern terms.

1 was represented by the stock they held, into their pipe
2 lines and then by part of the duty was added. Into whose pipe lines
3 did it go?

4 A The pipe lines of whatever company it was turned into.

5 Q Were you there when Mr Fuller testified?

6 A Yes, sir.

7 Q As I understood him it was part of his duty to see that
8 the domestic supply which went to the users of the Interior
9 Power Company was put into the pipes: was that so in your
10 case?

11 A That is so far as the sewer to ranches were concerned,
12 scattered around over the colony, but not so far as any sep-
13 arate domestic water systems were concerned.

14 Q I am not speaking of separate domestic water companies
15 or aggregations of individuals operating as companies, but
16 of the direct consumers of domestic water; was it or was
17 it not part of your duty as manager of the San Antonio Wa-
18 ter Company to turn into the domestic systems the water which
19 the respective users of domestic water consumed?

20 A Yes, sir; it was; I kept sufficient water running in the
21 different pipe lines so that the users of water touching
22 those lines could obtain a continuous flow of domestic water;
23 this required a small amount of water, perhaps an inch in
24 each line, practically water that could not be measured; for
25 instance down one line ten consumers of water, they would not
26 consume an extra inch continuous flow; in making our measure-
27 ments over our weirs for our heads, we always make allow-
28 ance for the extra inch or two or three for seepage, and that
29 would include the extra inch the people would use, so that

1 virtually is made but little difference in the regular dis-
2 tribution of the water. Where there were pressure pipe lines
3 laid there was always a point where we could measure the ex-
4 act amount of water in to the systems.

5 The Court, Q Were there ever any times when any of the la-
6 terals were not used for distributing water for irrigating
7 purposes?

8 A Sometimes there were; but those laterals always distri-
9 buted into or was connected with some other distributing
10 pipe whereby the water was not wasted, and the water was
11 caught below and distributed by some other distributing box.

12 Q When the laterals were not used for irrigating purposes
13 you did turn in enough to supply the domestic users in the
14 Ontario Power Company?

15 A Yes, sir; that is right.

16 Q Mr. Haskell, Q In that total acreage that you have given as
17 supplied with water, you have also included in that total
18 acreage the City of Ontario have you not?

19 A No, sir.

20 Q You have included the orange orchards that are within
21 the city limits?

22 A The orange orchards within the Villa that are irrigated
23 by irrigation water are included, but not within the city.

24 Q Now, some of these very persons who own orange orchards
25 and receive water from the San Antonio Water Company for
26 irrigation are also supplied with domestic water by the City
27 of Ontario are they not?

28 A If they live within the city limits they receive domestic
29 water and pay their regular water rates, regardless of whether

1 they are receiving water for irrigation or not.

2 The Court, Q Is this acreage of 4667 acres which you
3 have given, is some part of that within the city limits of
4 Ontario?

5 A No, sir.

6 Q And no part of it within the city limits of Upland?

7 A When I speak of the city limits I mean the portion under
8 the city domestic water system; the city limits include the
9 whole colony as far as city limits are concerned, - every
10 part of the colony is included in one or the other of the
11 cities.

12 Q In speaking of the city, which you refer to, as the
13 city of Ontario, that does not include any orange groves,
14 but it is simply the accumulation of buildings which you call
15 the city?

16 A Yes, sir; the town lots under the domestic water system;
17 they are not included in the acreage.

18 Q Mr. Marshall, and what you have said in regard to the city
19 of Ontario also applies to Upland doesn't it?

20 A Yes, sir.

21 Q In that respect?

22 A Yes, sir.

23 Q Mr. Britt, you say the whole of the Territory called the
24 Ontario Colony lies within the limits of either the City of
25 Ontario or the City of Upland?

26 A Yes, sir; it is incorporated within the city limits of
27 either one of those two towns.

28 The Court, Q The entire Colony?

29 A I think so if I am rightly informed. That is my understanding.

1 Mr. Haskell, is Ontario number 4 Precinct, do you know
2 where that is?

3 A. That is the west precinct.

4 Q. Yes, I believe so. Is that in the City of Ontario?

5 A. Well, I can't say just where number 4 is.

6 The Court: I am inclined to think the witness is con-
7 fused in regard to that matter; I don't know as it cuts any
8 figure here, except as to a proper understanding of the
9 witness's testimony.

10 A. The Town limits of Ontario reach up across the Santa Fe
11 track, in front of the Santa Fe Depot, out to Euclid Avenue;
12 The Upland City begins there and goes up the avenue and
13 jogs out on 10th street, and takes the whole upper portion
14 of the Colony; that is my understanding; while Ontario takes
15 the other portion; they lay on to each other.

16 Mr. Haskell: Is San Antonio Heights within the City of Up-
17 land according to your understanding of it?

18 A. Yes, sir; may be I am mistaken; may be it don't reach up
19 as far as that.

20 The Court: Mr. Joliffe, can't you tell us the situation there
21 and set us straight there, and I presume some of you other
22 gentlemen will have any objection to that.

23 Mr. Joliffe: Yes, I think I can. The City of Upland embra-
24 ces all of the Colony of Ontario which lies north of the
25 Santa Fe railroad and east of Euclid Avenue, and also all
26 of the Colony of Ontario lying west of Euclid and north of
27 10th street; the balance of the Colony of Ontario is all
28 embraced within the City of Ontario; and both corporations
29 reach out far beyond the original Colony limits, both to the

1 east and to the west. San Antonio Heights, by the way is not
2 within the City of Upland; the north boundary as I understand
3 is at 34th street.

4 Mr Britt: Is Euclid Avenue the east boundary of the City
5 of Upland?

6 Mr Joliffe: No, it is the west boundary for half a mile.
7 From the Santa Fe railroad to 10th street it forms the west
8 boundary of the City of Upland; the east boundary is somewhere
9 east of Campus Avenue, and I think about Ouellette Avenue.

10 The Court: Then the witness is substantially correct and
11 the two municipalities include the entire Colony?

12 A The two municipalities include the Ontario Colony, with
13 the exception of a small portion in San Antonio Heights, and
14 they include a great deal that is not in the Colony.

15 Mr Curtis: The Ontario Colony lands do not go to the
16 County line on the west?

17 Mr Joliffe: Oh no.

18 Q What was the area of the Ontario Colony originally? Do
19 you know Mr Dyer?

20 A I did know once but I can't tell you now.

21 Mr Britt, I want to return for a moment to this matter
22 of your duties as zemjero: I understood you to say that I
23 asked you some questions a while ago that besides your busi-
24 ness of distributing water for irrigation purposes for the
25 San Antonio Water Company, that you attended also to the dis-
26 tribution of water for domestic purposes by the Ontario
27 Water Company: Is that correct?

28 A So far as it related to individuals living on ranches
29 close on our pipe lines that derived their water from our

1 irrigation lines.

2 Q Well, there are two or three hundred of them are there
3 not?

4 A Yes, sir.

5 Q Do you know just the number there are?

6 A I don't know just the number, but there is fully 250 .

7 Q In your district?

8 A All together. No.

9 Q Does that or did that Ontario Power Company make any
10 distribution for domestic purposes elsewhere than on Orange
11 Lands? Did it make any distribution for domestic purposes
12 in the City of Ontario during the year you werezanjero?

13 A Only as it may have sold or rented stock to the town; the
14 Ontario Town I think has rented some stock from the office,
15 held by either the Power Company or the San Antonio Water
16 Company; I don't know which; I received my report of what was
17 rented and I turned in the amount of water.

18 Q Do you know from which source this water came which you
19 distributed for domestic purposes to the 250 or 300 ranchmen?

20 A My understanding was and I know that it was Ontario Power
21 Company water, whether it was from the stock which they owned
22 or from the water which they owned I am not able to say at
23 present.

24 Q You spoke a little while ago about water received by the
25 Ontario Power Company on stock which it holds in the San An-
26 tonio Water Company?

27 A Yes, sir.

28 Q Do you understand that it distributes that water in the
29 City of Ontario or within the Ontario Colony?

1 The same as any other stockholder; stock holder, the same
2 as any other member of the stock company.

3 Q. It sells that water?

4 A. It can rent that water or sell it.

5 Q. Has that been its custom?

6 A. No, sir; they have not sold any but they have rented some.

7 Q. What do you mean by renting? Do you mean supplying for
8 a limited time?

9 A. For a certain limited time.

10 The Court, A. That is, not disposing of the stock, but per-
11 mitting somebody else to use the water which they were en-
12 titled to by virtue of their ownership of stock?

13 A. Yes, sir.

14 Q. Or Britt, A. Is that the only company that sells that
15 for domestic purposes?

16 A. Yes, sir; that is the only company that can do it; the
17 San Antonio Water Company can't do it.

18 Q. Do they supply that domestic water for a limited time -
19 for a month or a year?

20 A. Yes, sir; for a month or a year or whatever time they
21 see fit.

22 Q. Suppose the individuals construct their houses and
23 connect their supply pipes with the distributing pipes of the
24 Ontario Power Company, under that arrangement are they lia-
25 ble to have their water shut off next month or next year?

26 A. They are in the same contingency that they would be in
27 any water company; that often happens under any water com-
28 pany; they don't have a life lease on it.

29 Q. Do they generally receive that water through meters?

1 A They have meters when it is necessary but often it is
2 simply estimated by a maximum and minimum amount of water,
3 according to the previous readings of the meter; but it is
4 distributed under a meter system - so much for so many thou-
5 sands of gallons used. That is estimated by either reading
6 the meter or estimating.

7 The Court, Q Do you mean they put in meters temporarily
8 to get at the amount used?

9 A Yes, sir; that is done in cases; yes, sir.

10 Mr Britt, Q That water which is rented through the meters
11 is that derived from any certain single source by the Ontario
12 Power Company, or does it take it from the pipes generally
13 of the San Antonio Water Company?

14 A From the pipes of the San Antonio Water Company, where-
15 ever it is feasible to get it.

16 Mr Mitchell, Q How many shares of stock of the San Antonio
17 Water Company does the Ontario Power Company own?

18 Mr Mc Linley: Objected to as not the best evidence.

19 A I don't know.

20 Q Do you know whether it owns any or not?

21 A Not from my own knowledge; no, sir.

22 Q You have had in charge the distribution of the water to it

23 A Yes, sir.

24 Q And you found that on the stock of the San Antonio Water
25 Company that you found in the possession of the Ontario Power
26 Company?

27 A Yes, sir; as reported to me by the officers from the office

28 Q Can you tell how many shares of stock that was by referring
29 to your books?

1 Q No, sir; I was by referring to certain lists that were
2 furnished to me, at one time.

3 Q Have you these lists here? A No, sir.

4 Q Do you know how many measures of wheat you delivered?

5 A None.

6 Q To the Ontario Power Company in 1907, the last year you
7 were there? A Yes, sir.

8 A No, sir.

9 Q Have you any idea of the amount?

10 A It wasn't very easy to see but I can't give you an approx-
11 imate estimate.

12 Q Will you look for that memorandum that you speak of and
13 produce it here? A That memorandum?

14 Q The memorandum upon which you based the apportionment of
15 water to the Ontario Power Company?

16 A If my memorandum has not destroyed it I can produce it.

17 Q Are they in the habit of destroying such papers?

18 A McKinley: Objected to an calling for the examination of
19 the witness.

20 The Court: Sustained.

21 A McKinley: Are there any lemon orchards included in this
22 acreage of citrus fruits?

23 A Yes, sir.

24 Q About how much acreage, or do you know?

25 A I should say one fourth of the amount.

26 Q As to these, are they raising to grow like the other por-
27 tion?

28 A Yes, sir; similar.

29 The Court: A. Baskett, did you wish the witness to produce
any more documents here?

A Baskett: Yes, sir.

Q I can produce you the list of names of stock owned by
the stockholders of the San Antonio Water Company during the
year 1907, which was furnished to me by the office, upon
which I based my irrigation schedule. If the Court requires.

A McKinley: He will produce the stockbooks.

The Court: All right. We will adjourn until 10, 10 a.m.

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...the hundredth of the ...

IN THE
Superior Court

OF THE
County of San Bernardino

State of California

.....
Cucamonga Vineyard Company et al.,

Plaintiff S

vs.

Vol. 27.

Wednesday, March 10, 1909

San Antonio Water Company, et al.,

Defendant S

INDEX



1 Wednesday, March 10th, 1909.

Twenty-seventh day.

2 Mr. Joliffe: We offer a deed from Isaac M. Hellman and
3 Isiah M. Hellman to the Cucamonga Homestead Association
4 dated July 3rd, 1874, recorded March 28th, 1876, in Book P,
5 of Deeds, page 386.

6 Mr. Britt: May I inquire the general purpose and object of
7 this offer?

8 Mr. Joliffe: For the purpose of tracing title to some of
9 the lands on which some of these wells are situated, the Har-
10 keell well more especially, and affecting the Atwood case
11 and the Upland Water Company case.

12 Mr. McKinley: Showing the conveyance of Cucamonga Creek
13 also. I ask that the reporter copy this deed in full.

14
15 Mr. Joliffe: I also offer a deed from the Cucamonga Home-
16 stead Association to L.R. Kott, dated November 25, 1884,
17 recorded the 4th day of December, 1884, in Book 39 of Deeds,
18 page 174.

19 Mr. Britt: This offer like a good many other muniments of
20 title, made by the defendants in the course of the evidence,
21 does not on the face of it show any sort of pertinence or rel-
22 evance. I suppose that it ought to be understood and the
23 Court, I think, will allow us that privilege, to make the ob-
24 jections at any time hereafter that any of these deeds are
25 irrelevant for the purposes of the case or incompetent, or
26 any other objection that ought to be made.

27 The Court: I will be willing to go further than that if
28 agreeable to counsel, to the effect that any of the evidence
29 offered may be stricken out on motion by either party before

1 final determination. There is a lot of this evidence that
2 we cannot see the effect of at present, and I think the ob-
3 jection ought to be considered more at the final hearing.

4 Mr. Britt: That is agreeable to us.

5 Mr. McInley: That is all right.

6 Mr. Britt: We do not want to be making captious objections.

7 The Court: I think it is only fair to counsel and to the
8 court, to state that there are many objections that the Court
9 is not able to pass on without knowing the full scope of the
10 case.

11 Mr. Jolliffe: We offer in evidence a deed from L.A. Mott to
12 J.F. Haskell, dated December 3rd, 1884, acknowledged the same
13 day, and recorded December 4th, 1884, at Book 39 of Deeds,
14 page 170.

15
16 Mr. McInley: The defendant Union Trust Company of San Fran-
17 cisco offers in evidence a ~~and~~ deed of Trust made by the On-
18 tario Power Company to the Union Trust Company of San Fran-
19 cisco, dated the 2nd day of January, 1902, and recorded on
20 the _____ day of _____, _____. I will ascertain
21 and furnish the ~~xxx~~ date of the record in this county, and
22 we ask that it be marked Defendants' Exhibit I.

23 It recites the purposes for which the Ontario Power Company
24 was organized; then recited a resolution of the Board of
25 Directors, calling a meeting of the stockholders and direct-
26 ing notice; then the giving of the notice of the object to
27 submit the question of incurring bonded indebtedness; then
28 a meeting of the stockholders; then the direction to the
29 Board of Directors to carry out the resolution ^{for} of the incur-

1 ring of bonded indebtedness and of the filing of the certifi-
2 cate showing these proceedings and showing compliance with
3 the provisions of the Code; then the passage of the order
4 directing the bonded indebtedness of said Company to be
5 created in the sum of \$400,000.00, payable 30 years after the
6 date of the bonds, and that the bonds of the company be issued
7 to the number of 400 for the sum of \$1,000.00 each, reciting
8 the interest and so on, and that the Union Trust Company of
9 San Francisco be declared and chosen as Trustee, and that the
10 bonds be in the form set out, payable to bearer, and the exe-
11 cution by the Trustee of the certificate shall be conclusive
12 evidence that the bond is secured as above referred to, then
13 setting out the form of that indorsement; and then the res-
14 olution for the attaching of coupons in a certain form and
15 a certificate of the Trustee in a certain form; then a fur-
16 ther provision that the bonds be signed by the President and
17 Secretary; then that the corporation execute and deliver to
18 said Union Trust Company of San Francisco, California, as
19 Trustee, a mortgage or deed of trust, transferring and mortgag-
20 ing all and singular the property of this Company wheresoev-
21 er situated, including all lands, properties, rights, fran-
22 chises, rights of way, easements, appurtenances, privil-
23 eges, interests, plants, machinery and equipments, and all
24 other property of whatsoever kind and nature, whether real,
25 personal or mixed, now acquired or which may be hereafter
26 acquired, or held, or owned by this corporation, with such
27 provisions regarding breach of the obligations of said mort-
28 gage or deed of trust, or foreclosure or entry into pos-
29 session, or operation of the property, and the right to con-

The first of these is the fact that the
 Government has not yet decided
 whether or not to accept the
 offer of the United States
 Government to purchase the
 land. The second is the fact
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 yet decided whether or not to
 accept the offer of the United
 States Government to purchase
 the land. The third is the fact
 that the Government has not
 yet decided whether or not to
 accept the offer of the United
 States Government to purchase
 the land.

1 vey, and then running on with repairs, and alterations, and
2 so on, and providing for the establishment of a sinking
3 fund; then reciting the fact that the Board of Directors
4 authorized and directed the Ontario Power Company to execute
5 and deliver this instrument to the Union Trust Company of
6 San Francisco as Trustee, transferring and mortgaging all and
7 singular the property, rights and franchises of said company
8 as well as that which it may hereafter acquire, and recit-
9 ing that the President and Secretary were authorized and
10 directed, to execute, acknowledge and deliver this instru-
11 ment to the Union Trust Company of San Francisco, as Trustee
12 in the name of, and for and on behalf of, and as the act and
13 deed of said company, the Ontario Power Company, and to at-
14 tach the seal thereto; and reciting that this instrument
15 was incorporated in said resolution therefor and forms a
16 part of said resolution; then reciting that the bonds and
17 interest coupons have been executed and are ready to be au-
18 thenticated by the trustee and to be issued; and then fol-
19 lows the indenture itself -- Now, therefore, this indenture
20 witnesseth; that the Ontario Power Company in consideration
21 of the premises and of One Dollar to it in hand paid by the
22 Union Trust Company, of San Francisco California, as Trust-
23 ee, the receipt whereof is hereby acknowledged, and in or-
24 der to secure payment of said bonds and coupons, and the
25 faithful observance and performance of all the covenants and
26 obligations of this instrument, has granted, bargained, sold
27 hypothecated, pledged, remised, released, conveyed, aliened
28 transferred, assigned, mortgaged and confirmed, and by these
29 presents does ~~grant~~ grant, bargain, sell, hypothecate, pledge

1 remise, release, convey, alien, transfer, assign, mortgage
2 and confirm, unto the said party of the second part, the
3 Union Trust Company of San Francisco, California, as Trustee
4 and its successor or successors in this trust, and its as-
5 signs forever, all the following described land, franchises,
6 real and personal property, that is to say:

7 And then follows a long description, pages 11, 12, 13, 14,
8 15 and 16, down to the words "To have and to hold" on page
9 16. Then following that description the provisions of the
10 deed, "to have and to hold to the Union Trust Company for the
11 only proper use, benefit and behoof of said party of the
12 second part, its successors and assigns, in trust, and then
13 describing the trust, and setting forth the duties of the
14 Trustee in case of default and the various duties and pow-
15 ers of the Trustee, which I don't think need to be written
16 out, but of course the deed will be here for examination.
17 Providing further for the delivery of the bonds and various
18 other provisions for the carrying out of the trust and the
19 performance of the obligations and the compensation of the
20 trustee and the proceedings for foreclosure and so on, and
21 the change of trustee, and so forth, and showing its exe-
22 cution by the Ontario Power Company by its President and
23 Secretary, and the seal attached, and the necessary affida-
24 vit under the chattel mortgage law.

25 (The deed offered from Isaac M. Hellman and Isaiah M. Hellman
26 to the Cucamonga Homestead Association, will be found extend-
27 ed in full in this transcript at page hereof; deed,
28 from Cucamonga Homestead Association to Mott, and from Mott
29 to Haskell, and Exhibit I, will be found, so far as a copy

1. The first of these is the fact that the
2. and second, and the third, and the fourth,
3. and the fifth, and the sixth, and the seventh,
4. and the eighth, and the ninth, and the tenth,
5. and the eleventh, and the twelfth, and the thirteenth,
6. and the fourteenth, and the fifteenth, and the sixteenth,
7. and the seventeenth, and the eighteenth, and the nineteenth,
8. and the twentieth, and the twenty-first, and the twenty-second,
9. and the twenty-third, and the twenty-fourth, and the twenty-fifth,
10. and the twenty-sixth, and the twenty-seventh, and the twenty-eighth,
11. and the twenty-ninth, and the thirtieth, and the thirty-first,
12. and the thirty-second, and the thirty-third, and the thirty-fourth,
13. and the thirty-fifth, and the thirty-sixth, and the thirty-seventh,
14. and the thirty-eighth, and the thirty-ninth, and the fortieth,
15. and the forty-first, and the forty-second, and the forty-third,
16. and the forty-fourth, and the forty-fifth, and the forty-sixth,
17. and the forty-seventh, and the forty-eighth, and the forty-ninth,
18. and the fiftieth, and the fifty-first, and the fifty-second,
19. and the fifty-third, and the fifty-fourth, and the fifty-fifth,
20. and the fifty-sixth, and the fifty-seventh, and the fifty-eighth,
21. and the fifty-ninth, and the sixtieth, and the sixty-first,
22. and the sixty-second, and the sixty-third, and the sixty-fourth,
23. and the sixty-fifth, and the sixty-sixth, and the sixty-seventh,
24. and the sixty-eighth, and the sixty-ninth, and the seventieth,
25. and the seventy-first, and the seventy-second, and the seventy-third,
26. and the seventy-fourth, and the seventy-fifth, and the seventy-sixth,
27. and the seventy-seventh, and the seventy-eighth, and the seventy-ninth,
28. and the eightieth, and the eighty-first, and the eighty-second,
29. and the eighty-third, and the eighty-fourth, and the eighty-fifth,
30. and the eighty-sixth, and the eighty-seventh, and the eighty-eighth,
31. and the eighty-ninth, and the ninetieth, and the ninety-first,
32. and the ninety-second, and the ninety-third, and the ninety-fourth,
33. and the ninety-fifth, and the ninety-sixth, and the ninety-seventh,
34. and the ninety-eighth, and the ninety-ninth, and the hundredth.

1 of the description of the property conveyed is concerned, at
2 page hereof.

3 -o-

4 Mr. McInley: For the purpose of showing title to the Frank-
5 ish and Stamm property, we desire to offer in evidence the
6 judgment roll in the case of the San Antonio Water Company
7 vs. Charles Frankish and a number of others named there, in
8 case Number 7,427 of this court. That was the judgment roll
9 in the case in which the foreclosure was had of these lands.

10 And following that I offer a deed from Henry Ingram, a com-
11 missioner appointed by the Superior Court to carry into ef-
12 fect the judgment contained in the judgment roll, to the
13 San Antonio Water Company, which deed is dated the 30th
14 day of September, 1899, and is recorded on page 87 of Book
15 2776, records of San Bernardino County, and describes lot
16 301, 302, 303, 304, 415, 416, 417, and 418 of Ontario
17 Colony Lands according to the map on file in the office
18 of the County Recorder of the county of San Bernardino,
19 together with all waters developed therein, and all water
20 rights of whatsoever kind or nature thereunto appurtenant.
21 And also describing some blocks on San Antonio Heights which
22 I take it have nothing to do with this litigation.

23 -o-

24 Mr. Joliffe: I offer also a deed from J.P. Haskell to
25 George A. Haskell, dated February 25th 1888, recorded in
26 Book 73, at page 47, conveying lot 6 in block 16, of the
27 Cucamonga Homestead Association, with water rights.

28 -o-

648

E. P. FULLER.

E. P. Fuller, previously sworn, recalled by defendants, testified as follows:

Direct Examination.

Q State whether in the district which you have charge of as zanjero, whether you deliver any water to any associations or corporations other than the Upland Water Company, as to which you have already testified, for domestic purposes?

A I deliver for the San Antonio Heights Pressure System.

Q What amount of stock do you deliver water on to that system?

A About 30 shares.

Q What are the domestic uses that they make of it?

A They use it for domestic purposes, for their dwellings.

Q Do you know how large a number of connections they have on that system through which they deliver -- that is, taps?

A They have three-quarter connections.

Q No. I don't mean as to the size of the connections, but how many?

A Oh, about 20.

Q How much territory do they cover?

A Oh, it covers over probably -- the houses are very scattered; it covers over probably 50 or 75 acres, the whole thing.

Q In what way do they use the water for domestic uses? That is, for houses and gardens -- and lawns?

A Houses and gardens and some have orange trees on their lots; it is subdivided into lots -- acre lots.

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1 Q Are any of those included in your estimate of acreage?

2 A No, sir.

3 Q How long have you been delivering this water on this
4 stock?

5 A I think 7 or 8 years since we have been delivering it.

6 You asked me the question -- There was a number of other
7 little ones. The San Antonio hospital has a pressure pipe
8 that I deliver them to -- about on two shares.

9 Q What use do they make of it on the hospital. Have they
10 any grounds?

11 A Nothing but a lawn. And another little system that a-
12 bout seven families use water out of, that I deliver water
13 to.

14 Q What is that system?

15 A Well, just some private residences, have a private pipe
16 attached, and it is San Antonio stock that is turned in
17 there.

18 Q How much stock have they got?

19 A About 2½ shares. It is also San Antonio stock that is
20 turned into the San Antonio Heights system.

21 Q Is that all of the systems?

22 A Yes, sir; except what I stated yesterday -- the Citi-
23 zens land and Water Company of Upland.

24 Q I think you stated how many shares they had?

25 A Yes, sir.

26 Q Now, do all these parties take all the water they would
27 be entitled to under their shares?

28 A Yes, sir.

1 The up to down divided in four columns of twenty
2 each, with a central column of ten.
3 Some have been found in the same place as the
4 others.

5

6 A. I. think that the four columns are the same as the
7 others, but the central column is a different one.
8 This is the only one that has been found in the same
9 place as the others.

10 The four columns are the same as the others, but the
11 central column is a different one.

12 A. I. think that the four columns are the same as the
13 others, but the central column is a different one.

14 The four columns are the same as the others, but the
15 central column is a different one.

16 A. I. think that the four columns are the same as the
17 others, but the central column is a different one.

18 The four columns are the same as the others, but the
19 central column is a different one.

20 A. I. think that the four columns are the same as the
21 others, but the central column is a different one.

22 The four columns are the same as the others, but the
23 central column is a different one.

24 A. I. think that the four columns are the same as the
25 others, but the central column is a different one.

26 The four columns are the same as the others, but the
27 central column is a different one.

28 A. I. think that the four columns are the same as the
29 others, but the central column is a different one.

30 The four columns are the same as the others, but the
31 central column is a different one.

CROSS EXAMINATION.

By Mr. Britt: Q Do they all use the water? Or do they sell it, or some part of it, to other people?

A I didn't catch the question.

Q Do these several systems all use the water themselves or sell it to other people?

A They all use it.

Mr. Haskell: Q Are these 30 shares of water used at San Antonio Heights, 22 shares of water used by the San Antonio Hospital, and the shares of water used by the Citizens Water Company of Toland, included in the 6,000 shares of stock to which water is distributed that has been testified to?

A Yes, sir.

Q Those shares of stock used in this way simply take their proportion of the total amount of 900 inches of water which these witnesses have claimed to be necessary and which you state was required there?

A I don't know as it is included in the 900 inches.

Q Well, it takes its share of the water out of the whole does it?

A Those shares are set aside, and then we make an estimate of so much for the irrigators outside of the private needs.

Q Well, there is only 6,000 shares of stock in all?

A That is all.

Q And each share gets its proportionate part of the whole?

A Yes, sir.

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THE UNITED STATES OF AMERICA
DO hereby certify that
the within and foregoing is a true and correct
copy of the original as the same appears
on the records of the Department of the Interior
at Washington, D. C.
this 1st day of January, 1901.
J. H. ROBERTSON, Secretary of the Interior.

1 J. H. DYAR.

2 C. H. Dyar, previously sworn, recalled by defendants, tes-
3 tified as follows.

4 Direct Examination:

5 By Mr. McInley: Q Will you state to what domestic sys-
6 tems you have delivered water, and did, up to the time you
7 went out, in your district?

8 A To the town of Ontario I delivered in 1907, 34 inches.

9 Q On 240 shares?

10 A Yes, sir, on 240 shares. Stowell Subdivision 2 inches
11 on 20 shares. Kinsell line, 5 inches. San Antonio line,
12 5 inches.

13 Q Well, state how much stock each time.

14 A On the Kinsell and San Antonio lines, they were furnished
15 from Ontario Power stock -- Ontario Power stock and water;
16 and they had full charge of the lines; it required 5 in-
17 ches of water to keep them filled. Cemetery line, 2 inches
18 on 20 shares.

19 Q On San Antonio Water stock?

20 A Yes. Tenth Street system, 1 inch on 10 shares, San
21 Antonio Water stock.

22 Q Referring to that delivered on Ontario Power Company
23 stock upon what basis is that delivered? That is, does it
24 rest on San Antonio Water Company's stock, or what does it
25 rest on?

26 A Yes, sir; the San Antonio Water stock that year.

27 Q With reference to those deliveries of water, what use
28 is made by the parties receiving them, of the water?

29 A Used for domestic purposes, and irrigating front yards

1. The first of these is the fact that the
 2. number of cases of the disease has
 3. increased steadily since 1905.

Secondly:

4. The second of these is the fact that the
 5. number of cases of the disease has
 6. increased steadily since 1905.

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 8. number of cases of the disease has
 9. increased steadily since 1905.

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 11. number of cases of the disease has
 12. increased steadily since 1905.

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 14. number of cases of the disease has
 15. increased steadily since 1905.

16. The sixth of these is the fact that the
 17. number of cases of the disease has
 18. increased steadily since 1905.

19. The seventh of these is the fact that the
 20. number of cases of the disease has
 21. increased steadily since 1905.

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 23. number of cases of the disease has
 24. increased steadily since 1905.

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 27. increased steadily since 1905.

28. The tenth of these is the fact that the
 29. number of cases of the disease has
 30. increased steadily since 1905.

31. The eleventh of these is the fact that the
 32. number of cases of the disease has
 33. increased steadily since 1905.

34. The twelfth of these is the fact that the
 35. number of cases of the disease has
 36. increased steadily since 1905.

37. The thirteenth of these is the fact that the
 38. number of cases of the disease has
 39. increased steadily since 1905.

1 and gardens and so forth.

2 Q Are any of those included within your acreage estimate?

3 A No, sir.

4 Cross Examination.

5 By Mr. Britt: Q Do you mean those are not included in
6 the estimate of 4667 acres in the Ontario Colony?

7 A No, sir.

8 Q Are those outside the colony?

9 A No, sir, they are within the Colony. But the water is
10 not used for irrigating citrus fruits; simply for the front
11 yards and domestic purposes. Then besides this, are all
12 the individual attachments to the different lines. These
13 are simply the different systems of pressure water.

14 Q Those were-- those ~~were~~ deliveries were made by the On-
15 tario Power Company?

16 A Yes, sir.

17 Q All of them?

18 A Yes, sir.

19 Q You mentioned yesterday that the San Antonio Water Com-
20 pany could not deliver for domestic purposes; for what rea-
21 son?

22 A For the reason that they are a mutual benefit associa-
23 tion, and are not able to buy or sell anything for profit,
24 and that the stock was supposed to cover proportionately
25 all water in hand, and it was not fair to give one man the
26 amount of water which he was entitled to for 10 shares of
27 stock, without domestic water, and another man his 10 shares
28 of stock, with domestic water; and the domestic water was
29 such a small amount that it was not practical to deduct it

THE 19TH CENTURY

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1 from the man's son who really lived on his ranch; so that
2 for years it was a problem how to adjust that matter un-
3 til the Power Company came into existence and procured
4 water which they could buy and sell to consumers.

5 Q Do you mean the Ontario Power Company?

6 A The Ontario Power Company.

7
8 Mr. Haskell: Q Do you mean to be understood as saying that
9 none of this water delivered for domestic use is delivered
10 to persons living on any of this 4667 acres?

11 A No, sir; I simply mean that it is not used for irri-
12 gating the orchards.

13 Q But it is delivered to persons who own the orchards and
14 living on the orchards?

15 A Yes, sir, living on the orchards?

16 Q And then this additional supply, in addition to that
17 which they irrigate the orchard with, they had an addition-
18 al supply, delivered in this way which you have illustrated?

19 A Yes, sir.

20 Q For domestic use and for irrigating their lawn?

21 A Yes, sir; and they pay for that water -- pay the On-
22 tario Power Company for that water.

23 Q And it is all included in this 6,000 shares of stock?

24 A Yes, sir.

25 Re-Direct Examination.

26 By Mr. McKinley: Q Do I understand all this water you
27 have testified to now, other than the City water, is deliv-
28 ered on stock of the San Antonio Water Company held by the
29 Ontario Power Company?

1 A That season it was; yes, sir.

2 Q With reference to the City of Ontario, to what uses is
3 the water distributed by it; to what domestic uses?

4 A For household use and for stock, and for irrigating
5 lawns, and what orchards -- what trees are planted on the
6 lots.

7 Q Do you know about what acreage is covered by that sys-
8 tem?

9 A 40 acres -- no, 160 acres; a quarter of a section.

10 Q Do you mean the system covers that, or that is what
11 that amount of stock covers?

12 A The system.

13 Q The system covers about 160 acres?

14 A 160 acres.

15 Re-Cross Examination.

16 By Mr. Haskell: Q Is this 160 acres all planted and in
17 use?

18 A It is the town -- the city part of Ontario; it is di-
19 vided into town lots. The original town was a mile square.
20 The central portion of it, one-fourth of it, was divided
21 into town lots, and three-fourths into villa lots; and
22 this system covers the town lots.

23 Q It does not cover the villa lots?

24 A No, sir.

25 Mr. McKinley: Q Do you know how much the Upland system
26 covers?

27 A I can't tell exactly now.

28 By Mr. Britt: Q You mentioned again the stock held by
29 the Ontario Power Company in the San Antonio Water Company?

1. The first thing I noticed when I stepped out of the plane was the fresh air. It felt like I had been breathing stale air for years. The sun was shining brightly, and the birds were singing. I felt like I had been reborn.

2. I walked down the path, feeling the soft grass under my feet. The trees were tall and green, and the water was clear. I had found a new world, a world where I could be who I really was.

3. I had been told that this was a special place, a place where the magic of nature was still alive. I had heard that the water was pure and the air was clean. I had heard that the people were kind and the life was good.

4. I had heard that this was a place where I could find peace and happiness. I had heard that this was a place where I could be who I really was. I had heard that this was a place where I could find a new home.

5. I had heard that this was a place where I could find a new life. I had heard that this was a place where I could find a new purpose. I had heard that this was a place where I could find a new meaning.

6. I had heard that this was a place where I could find a new love. I had heard that this was a place where I could find a new friend. I had heard that this was a place where I could find a new family.

7. I had heard that this was a place where I could find a new hope. I had heard that this was a place where I could find a new dream. I had heard that this was a place where I could find a new future.

8. I had heard that this was a place where I could find a new life. I had heard that this was a place where I could find a new purpose. I had heard that this was a place where I could find a new meaning.

9. I had heard that this was a place where I could find a new love. I had heard that this was a place where I could find a new friend. I had heard that this was a place where I could find a new family.

10. I had heard that this was a place where I could find a new hope. I had heard that this was a place where I could find a new dream. I had heard that this was a place where I could find a new future.

1 A Yes, sir.

2 Q Was that the 54-1/3 shares of stock which were issued
3 by the San Antonio Water Company to the Ontario Power Company
4 some five or six years ago?

5 A I can't tell you; it has been a year since I have had
6 my list. I derived my information from the list furnished
7 me from the office that year, and just the amount of stock
8 which they held then I can't tell you.

9 Q Do you know how much water you received on the stock
10 of the San Antonio Water Company held by the Ontario Power
11 Company?

12 A I don't know how much stock they held. I don't think
13 they used all the stock they held that year on these dif-
14 ferent systems.

15 Q My inquiry was, do you know how much water they receiv-
16 ed on that stock?

17 A No, I don't know.

18 Q Do you know how much water you delivered on that stock?

19 A No, I can't tell you that from my present information.

20 Q Didn't you keep a note or minute of the quantities of
21 water which you were delivering upon the several holdings of
22 stock?

23 A I knew what I was turning into the different systems, and
24 took care that I did not turn in more than the Power Company
25 owned. But besides the stock which the Power Company owned
26 they had water of their own which they can sell, as well,
27 not covered by any stock whatever.

28 Mr. Haskell: I move to strike that out as a conclusion of
29 the witness.

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1 The Court: As to what part of it?

2 Mr. Haskell: As to what he says about the Power Company
3 having water of its own that they can sell.

4 (Answer of witness read).

5 Mr. Haskell: And also on the ground that it is not respon-
6 sive to the question.

7 The Court: Strike out that answer, and let the witness
8 answer the question again.

9 (Last question read by reporter).

10 A No.

11 Mr. Britt: Q It was a part of your answer which was
12 stricken out that you were careful not to deliver more water
13 on the Ontario Power Company's stock than it was entitled
14 to?

15 A Yes, sir.

16 Q How did you know when you got up to the limit?

17 A Well, I had a list in my possession furnished me by
18 the office, being the amount of stock which each stockhold-
19 er held, and upon which they were entitled to the use of
20 water, and that was my list from which I made the distri-
21 bution of the water during the season.

22 By the Court: Q When you speak of what parties were en-
23 titled to, you mean that you took this list which you re-
24 ceived from the office as your guide?

25 A Yes, sir.

26 Mr. Britt: Q And you can't state now from memory what
27 quantities were apportioned on Ontario Power Company's
28 stock?

29 A No, sir.

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1 Q At what point did you deliver the water which was
2 apportionable on the stock held by the Ontario Power Com-
3 pany in the San Antonio Water Company? Where did you
4 deliver that water?

5 A Well, at the head of these different systems; we had weirs
6 where we furnished the water to the systems, and when the
7 water dropped over the weir into the system my part of the
8 work was finished.

9 Q That is to say when you turned water over the weir to the
10 City of Ontario, you called that Ontario Power Company's
11 water did you?

12 A Mr McKinley: He has not stated that was Ontario Power Com-
13 pany's water; we object to that assuming that it was Ontario
14 Power Company's stock; the testimony is all to the effect that
15 it was delivered under San Antonio Water Company stock.

16 A Mr Britt: The witness says that there was no certain place
17 where the delivery of water to the Ontario Power Company as
18 such was made, but he turned their water to the different
19 systems, and I am merely inquiring of him whether the City
20 of Ontario was one of those.

21 The Court: I see no objection to that inquiry.

22 A I don't remember that the Ontario Town rented any water
23 from the Power Company; it may have done so during that
24 season; and if it did I turned it in; they have rented
25 water from the Ontario Power Company at times.

26 Q You mentioned another system, the San Antonio Heights
27 system: How you turned water into that concern?

28 A Yes, sir. That is Mr Fuller's portion and I think
29 the parties there own their own stock.

1 Q Well, into what other systems did you turn Ontario Power
2 Company water?

3 A The Finsell system.

4 Q How much?

5 A Five inches.

6 Q Proceed.

7 A San Antonio system, five inches; and a portion of the
8 Cemetery line and 10th street system; they come all under the
9 head of water owned by the Ontario Power Company. Whether
10 that would be covered all by the stock of the Ontario Power
11 Company or not, now I am not able to state.

12 Q Altogether that would be some 12 inches?

13 A Yes, sir.

14 Q Was that all the Ontario Power Company water that you
15 delivered?

16 A No, sir; the water that was furnished to the different
17 individuals came also from their fund.

18 Q Then there was no place where you delivered water to the
19 Ontario Power Company as such, but when you delivered to the
20 various consumers or associations of consumers you counted
21 that as Ontario Power Company water?

22 A Yes, sir; that is the system on which we worked.

23 -3-

1. The first thing I noticed when I stepped out of the plane was the fresh air. It felt like I had been in a bubble for the last few days. The sun was shining brightly, and the birds were singing. It was a beautiful sight, and I felt like I had been reborn. I had been in a dark, cold, and lonely place for so long, and now I was here, in a warm, bright, and lively world. I felt like I had been given a second chance at life, and I was determined to make the most of it. I was going to live, and I was going to live well.

2. The second thing I noticed was the smell of the earth. It was a rich, fertile smell, like the smell of a garden after a rain. It was a smell that I had never before, and it made me feel like I had been given a gift. I was going to live, and I was going to live well. I was going to live in a world where I could feel the sun on my face, and the wind in my hair. I was going to live in a world where I could hear the birds sing, and the leaves rustle. I was going to live in a world where I could feel the pulse of life, and the rhythm of the universe.

3. The third thing I noticed was the sound of the water. It was a gentle, soothing sound, like the sound of a lullaby. It was a sound that I had never before, and it made me feel like I had been given a gift. I was going to live, and I was going to live well. I was going to live in a world where I could feel the sun on my face, and the wind in my hair. I was going to live in a world where I could hear the birds sing, and the leaves rustle. I was going to live in a world where I could feel the pulse of life, and the rhythm of the universe.

4. The fourth thing I noticed was the taste of the food. It was a delicious, satisfying taste, like the taste of a home-cooked meal. It was a taste that I had never before, and it made me feel like I had been given a gift. I was going to live, and I was going to live well. I was going to live in a world where I could feel the sun on my face, and the wind in my hair. I was going to live in a world where I could hear the birds sing, and the leaves rustle. I was going to live in a world where I could feel the pulse of life, and the rhythm of the universe.

5. The fifth thing I noticed was the feeling of the sun. It was a warm, comforting feeling, like the feeling of a blanket on a cold day. It was a feeling that I had never before, and it made me feel like I had been given a gift. I was going to live, and I was going to live well. I was going to live in a world where I could feel the sun on my face, and the wind in my hair. I was going to live in a world where I could hear the birds sing, and the leaves rustle. I was going to live in a world where I could feel the pulse of life, and the rhythm of the universe.

6. The sixth thing I noticed was the sight of the mountains. They were majestic, towering mountains, like the mountains of a fairy tale. They were mountains that I had never before, and they made me feel like I had been given a gift. I was going to live, and I was going to live well. I was going to live in a world where I could feel the sun on my face, and the wind in my hair. I was going to live in a world where I could hear the birds sing, and the leaves rustle. I was going to live in a world where I could feel the pulse of life, and the rhythm of the universe.

7. The seventh thing I noticed was the sound of the wind. It was a gentle, whispering sound, like the sound of a secret. It was a sound that I had never before, and it made me feel like I had been given a gift. I was going to live, and I was going to live well. I was going to live in a world where I could feel the sun on my face, and the wind in my hair. I was going to live in a world where I could hear the birds sing, and the leaves rustle. I was going to live in a world where I could feel the pulse of life, and the rhythm of the universe.

8. The eighth thing I noticed was the feeling of the earth. It was a solid, grounding feeling, like the feeling of a firm foundation. It was a feeling that I had never before, and it made me feel like I had been given a gift. I was going to live, and I was going to live well. I was going to live in a world where I could feel the sun on my face, and the wind in my hair. I was going to live in a world where I could hear the birds sing, and the leaves rustle. I was going to live in a world where I could feel the pulse of life, and the rhythm of the universe.

9. The ninth thing I noticed was the sight of the people. They were friendly, smiling people, like the people of a happy village. They were people that I had never before, and they made me feel like I had been given a gift. I was going to live, and I was going to live well. I was going to live in a world where I could feel the sun on my face, and the wind in my hair. I was going to live in a world where I could hear the birds sing, and the leaves rustle. I was going to live in a world where I could feel the pulse of life, and the rhythm of the universe.

10. The tenth thing I noticed was the feeling of the universe. It was a vast, infinite feeling, like the feeling of a starry night sky. It was a feeling that I had never before, and it made me feel like I had been given a gift. I was going to live, and I was going to live well. I was going to live in a world where I could feel the sun on my face, and the wind in my hair. I was going to live in a world where I could hear the birds sing, and the leaves rustle. I was going to live in a world where I could feel the pulse of life, and the rhythm of the universe.

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F. E. Trask.

F. E. Trask, a witness called by defendants, previously sworn, testified as follows:

Direct Examination.

Mr. McKinley: What is your profession?

A Civil Engineer.

The Court: I take his qualifications were given when he was on the stand before.

Mr. McKinley: Yes, Your Honor; they put him on the stand and simply asked him questions.

Mr. Britt: His qualifications are admitted. We admit his qualifications and his competence to express opinions on matters within the scope of his business as a civil engineer, and as a hydraulic engineer.

The Court: Reserving the right I suppose to question the validity of these opinions.

Mr. Britt: He admits his qualifications to express these opinions; the right of opinion is a different proposition.

Mr. McKinley: Does everybody else admit that?

Mr. Connor: No so.

Mr. Trask: I think so.

The Court: The stipulation that was made as to objections and exceptions applying to all the plaintiffs, perhaps would not extend to stipulations.

Mr. McKinley, how long have you been acquainted with the territory upon which these developments and the waters claimed by the plaintiffs, and the waters claimed by the defendants are situated?

A Twenty-one or twenty-two years.

1 What has been your connection with that in a professional
2 way, in the way of becoming thoroughly acquainted with them?

3 A I went to Ontario in the latter part of 1887, and assumed
4 the position of chief engineer of the old holding company,
5 known as the Ontario Land and Improvement Company of Ontario,
6 and that company at that time controlled the majority of the
7 stock of the San Antonio Water Company, and was in fact the
8 promoting company, and had control of the water developments
9 both of its own and of the San Antonio Water Company, and
10 as their engineer I had charge of all those water develop-
11 ments, and of their properties generally, and it became my
12 duty to look after the developments which they were carrying
13 on in the San Antonio Canyon, and to ascertain what other
14 possible sources existed for water development, and in
15 those early years I took up the study of the Guadalupe Red Hill
16 Section and examined into its water development possibili-
17 ties and probabilities, and from that day to the present I
18 have had largely to do with the work that has been performed
19 there by this company, and have had an opportunity to watch
20 the developments by other interests in and about that section.

21 Q And have you watched them?

22 A And have so done.

23 Q How thorough has that observation been? How regular and
24 often?

25 A Well, with the exception of the time between the dates
26 of October 9, 1890 (1900: see correction later) and some-
27 time in the latter part of the summer of 1903, I had nothing
28 to do whatever with any of the works of the San Antonio Water
29 Company; that was 1900 instead of 1890 if the reporter will

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1 make the correction; a little over a year; with that excep-
2 tion I have frequently been over this territory each year ,
3 and some of the years I have spent a number of days each month
4 in connection with the developments; at all times I have been
5 thoroughly familiar with the whole section of country there
6 under discussion in this case.

7 Q What have you done in the way of making observations
8 and ascertaining its character?

9 A The first observations made by me in and about the Red
10 Hill were back in the first two or three years of my resi-
11 dence at Ontario; at that time it became evident that the
12 supply of water from the San Antonio Canyon and San Antonio
13 tunnel would be insufficient for the needs of the Ontario
14 Colony, and at my request the - -

15 Mr Britt: The statement of the witness as to what became
16 evident is not responsive to the question and we ask that it
17 be stricken out.

18 Mr Mc. Kinley: Very well; we have no objection.

19 The Court: That will be stricken out.

20 Q Well, go on and state what you did; state what things
21 you did, not specifically describing the day's work but
22 generally.

23 A In the years 1888 and 1889 I made a thorough study of
24 the Red Hill section and advised the Ontario - -

25 Q Better not state what you advised; how did you make
26 that study?

27 A I examined into the water developments that existed
28 in and around the Red Hills that were made, and had been
29 made, and were being made at the time by the owners of lands

1 in and about there representing Cucamonga interests.

2 Now did you make that examination, - what did you do in
3 order to make it?

4 I went over the ground and examined the water developments
5 that existed; and went over the ground and studied the geology
6 and topography, and studied the drainage area lying to the
7 north, from which the supply of waters must come, and se-
8 cured permission to put down shafts and demonstrate conclus-
9 ions which I had drawn as the result of my study.

10 Did you put down shafts?

11 Those shafts were put down; there were three shafts put
12 down; the first one put down is known in the record here as
13 16th street well number 3, and is the old original develop-
14 ment of the Ontario people in the Red Hill district; it was
15 put down as a shaft, originally, down to the water, and the
16 bottom was carried down as far as men could go with rubber
17 boots; and then later, I think approximately at the location
18 of the present well number 2 of the 16th street wells, a
19 shaft was put down; and at a somewhat later date, and in line
20 with my desire to develop the possibilities in that basin, I
21 put down a shaft up in the Cucamonga Canyon near the north-
22 east corner of the Ontario Colony lands; that is, up in that
23 section of the colony lands and in the main wash of the Cuc-
24 amonga Canyon; the shaft has been referred to here by some of
25 the other witnesses as a shaft into which flood waters have
26 been poured; that shaft was put down into the gravels and
27 the water conditions were developed at that time.

28 r Britt, Q Let me ask you to specify again where that shaft
29 you mentioned last was situated?

— *not a member of the* —

Source: *Journal of the American Statistical Association*, 1990, 85, 103-112.

1. The first part of the document is a list of names and their corresponding dates. The names are: John Doe, Jane Smith, and Bob Johnson. The dates are: 1990, 1991, and 1992.

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1 A I cannot state accurately the precise location of that
2 shaft, but my best judgment is that it is between 25th and
3 26th streets and near the center of Section 20, Township 1
4 north, range 7 west, -- probably west somewhat from the
5 center of the section. That would be the best location
6 that I can possibly make without making a survey of it on
7 the ground.

8 The Court: I don't quite understand the relation of that
9 point to the wells.

10 A The 16th street wells are in sections 32 and 33.

11 Q Then it is about how far northwesterly from the well?

12 A About 1-5/8 miles. From 1 1/4 to 1 1/2 miles. Somewhere
13 between those limits. Yes, it is nearly two miles. Prob-
14 ably a little in excess of two miles, the 16th Street wells
15 being in the southern quarter of sections 32 and 33, town-
16 ship 1 north, range 7 west, and the point above described
17 as Canyon and Cucamonga wash, is near the center of section
18 20 in said township and range.

19 Mr. McKinley: Q What else have you done in that country
20 all these years in the way of getting acquainted with it
21 and familiarizin yourself with it?

22 A Some years later, I think it was in 1900, no, 1890, I put
23 down still another shaft just north of 16th Street and from
24 3/4 to 7/8 of a mile east of Euclid Avenue. Some two or
25 three years later I had charge of the engineering features
26 of the construction of the Franksih and Stamm tunnel. That
27 tunnel is located in the Cucamonga Canyon debris cone and
28 500 to 1,000 feet west of the westerly bank of the Cucamon-
29 ga flood channel or wash, and extends from a point 4 or 5

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1 hundred feet south of 23rd Street, northerly to a point 4 or
2 5 hundred feet north of 26th Street. It has an approximate
3 length of 6,000 feet. I think at its upper end it is some-
4 thing like 320 feet below the surface of the soil at that
5 point.

6 Q How closely did you observe the progress of that tunnel?

7 A I was there on the work 2 or 3 times a week during the
8 period of its construction, and observed the formation and
9 the character of the material through which it passed, and
10 the developments as regards the water.

11 The Court: Pardon the suggestion. I think you will prob-
12 ably aid the understanding of the testimony by marking on
13 the map the experimental shafts 1, 2 and so on.

14 Mr. McKinley: Yes. Mark it on the map if you can, on
15 Exhibit D.

16 A On Defendants' exhibit D, experimental shaft No. 1 is
17 the location of the present 16th Street well, and marked
18 on this map as "16th Street well No. 3."

19 Q Where there is something by which you can designate it,
20 it is not necessary to make additional marks. The others,
21 where there is no marks designating them, put a mark on.

22 A Experimental shaft No. 2 is at or near the point of the
23 present location of well No. 2 of the 16th Street wells, and
24 is marked on the exhibit above designated as such experi-
25 mental shaft No. 3. I have marked with a pencil in the shape
26 of an O, with an X over the O, and it is located below, a-
27 bout a quarter of an inch, the capital letter S in the word
28 sec, and I wrote the legend "Exp" for experimental, the
29 word "shaft" and "3."

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SUPERIOR COURT

No. 4 is located a short distance north of 16th street, and about 3/4 or 7/8 of a mile east of Euclid Avenue.. It is designated by a small circle and a cross over it, and the legend "exp" for experimental, the word "shaft" and "4."

The Court: As I understand, you have numbered those shafts chronologically, beginning with the first in the point of time.

A Yes, that is correct, as I recollect the method that we put them down. I may be wrong but I think I am not. That is my recollection of the order in which I sunk them.

Mr. Haskell: Q And the Frankish and Starn tunnel?

A The Frankish and Starn tunnel is represented on this map at the point I have heretofore described, and it is marked F & S tunnel, and the location of it is shown on the map by two parallel dotted lines. It lays in the west half of section 29 and section 20, township 1 north, range 7 west.

The Court: Q What is the length of the tunnel?

A Approximately 6000 feet. I think within a very few feet of it.

Mr. McKinley: Q Proceed and state what other things you have done to familiarize yourself with that country, Mr. Trask.

A The rest of my work in connection with the developments in and around that country have been in connection with the laying of pipe lines and the putting in of measuring boxes, bulkheads, bulkheading tunnels, and watching the developments of the wells that have been bored from time to time in

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41 the years subsequent to the work I did in connection with the
2 Frankish and Starn tunnel. And with the exception of the
3 one and a fraction years I have referred to as havin
4 been away from Ontario and out of the employ of the com
5 pany, I have each year had opportunity to make water meas-
6 urements and examine the work that has been going on from
7 time to time.

8 Q Have you had occasion to examine the country and get
9 acquainted with it for the purpose of testifying in other
10 cases as an expert?

11 A In the years 1899 and 1900 I was connected as the
12 Company's engineer with the preparation of data relative
13 to the litigation over the title to the waters which the
14 Ontario people were taking from the Red Hills.

15 The Court: Q You refer to the McPherson suit?

16 A Yes, sir.

17 Mr. McKinley: Q How far did you go into the subject at
18 that time in your investigations?

19 A I went carefully into the available records and infor-
20 mation that I had accumulated, and spent considerable time
21 on the ground in making surveys, profiles and plats which
22 later appeared in the case known as the McPherson case,
23 and testified therein.

24 Q Speaking of the Frankish & Starn tunnel, what years was
25 that run in?

26 A I think I had better look at my notes for that.

27 Q All right. Look at your memoranda.

28 A I will have to do that this afternoon. I have it in
29 the hotel. I think I have the exact date of that.

1 Will you proceed and take those maps and make explanation
2 of everything which relates to the case on them, pointing
3 out such matters as bear on these questions? And you
4 may, incidentally with the map, explain the character of the
5 the country and so on generally.

6 This map, defendants' Exhibit B was prepared from records
7 of surveys which I have made from time to time during
8 my residence in Ontario, and practised there as engineer,
9 and from other records and data that have come into
10 my possession at different times, some of them during the
11 trial of the different cases and so forth. It shows the outline
12 of the Ontario Colony Lands.

13 Q You have checked up the data that you have received to
14 determine whether it is correct or not?

15 A Yes, sir; it is correct to the best of my knowledge and
16 belief. I colored the Ontario Colony -- the original
17 lands -- with green, and they are shown on this map in
18 green; the purchases made by the Ontario Power Company and
19 the San Antonio Water Company of lands lying easterly of
20 the original Colony lands, are shown --

21 Q I think you defined those colors before.

22 A Yes. They are shown by several colors. The present
23 holdings of the Ontario Power Company, of both the Ontario
24 Colony lands and the lands purchased by them to the east
25 are included within the green area, but I have had to put
26 on this map a yellow border, segregating these lands from
27 the other holdings of lands in the Ontario Colony, the purpose
28 being to show the exact lands owned and controlled by
29 the Ontario Power Company. And within this designated

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1 border the words "Ontario Power Company" are written.

2 Q. Mr. Britt: Within the yellow border?

3 A. Yes, sir; within the yellow border, at the west,
4 south and north. The ~~the~~ lines carrying the water from
5 the 16th Street wells, one of them is shown on this map, and
6 it is shown as a diagonal line through the Colony lands from
7 the point near the south-west corner of the land owned by
8 the San Antonio Water Company north of 16th Street, in sec-
9 tions 32 and 33, township 1 north, range 7 west, and is
10 marked 20-inch main pipe line, at or near the south-west
11 corner of the San Antonio Water Company's 16th Street wells.
12 The main continuance easterly and through this land as far
13 east as the Stowell wells-- as far east as the Haskell wells
14 or wells Nos. 7 and 8 of the 16th Street wells. And the
15 line is somewhat south of wells 1 to 5, and water from each
16 of those wells is brought in by a short connecting line. The
17 water from the Radie tunnel, which is the tunnel in the 90-
18 acre tract and crossing the 90-acre tract, is taken through
19 two pipe lines. The original pipe line was a 22-inch main
20 pipe line leading from the mouth of the tunnel southwesterly
21 through the Colony lands, and during the period of my ab-
22 sence from Ontario a 30-inch line was put in supplementing
23 the original line. This map also shows that part of the
24 Ontario Colony lands lying within the Rancho Cucamonga.

25 Q. What portion of the Ontario Colony lands do lie within
26 the Rancho Cucamonga? I mean the description on the map.

27 A. It shows the relative location. The acreage is not on
28 the map.

29 Q. I haven't asked you for the acreage yet. I am going to,

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1 But I want the description on the map.

2 A All of the Colony as shown on this map and colored green,
3 lying north of 11th Street, is within the Cucamonga grant.

4 The Court: Q Let me ask you; does the westerly line in-
5 dicated by the green lands -- is that the westerly boundary
6 of the Cucamonga Ranch?

7 A It is, north of 11th Street; and the station numbers
8 of the Cucamonga Ranch begin at the township corner of Town-
9 ships one and two north, ranges 6 and 7 west, and is marked
10 Station 1, and the survey was to the west, north, west, north,
11 and then easterly along the north line of the Cucamonga
12 grant. It is the north line of the Ontario Colony lands.

13 Q All those lands, the uncolored lands to the east, are
14 part of the Cucamonga Ranch?

15 A All the lands included in the hatching, and around
16 which a line is drawn with the station numbers, are within
17 the Cucamonga grant.

18 Q Does that line of hatching indicate the exterior bound-
19 ary of the Cucamonga Ranch?

20 A Yes, that is correct; and each angle is a station num-
21 bered as in the Cucamonga grant.

22 Q I had an idea it extended further eastward.

23 A This is correct. It is taken from the abstract of ti-
24 tle by myself.

25 Mr. McKinley: That is within the boundary of the Cucamonga
26 Ranch?

27 A Yes, complete on this map. This map also shows the tun-
28 nels, location of the Sunset Water Company in Section 34,
29 and also the Lone Star Tunnel No. 1 in Section 34, Township

... and the ...

1 1 north, range 7 west. It also shows the location of the
2 Lone Star Tunnel No. 2, which is started in section 3, town-
3 ship 1 south, range 7 west, and runs north into section 34,
4 above described. It also shows the location of the Y Tun-
5 nel in Section 4, township 1 south, 7 west, and shows the
6 general location of the Cucamonga flood channel from the north
7 line of the ranch southeasterly through the Red Hill sec-
8 tion, Section 4 above described, down past the bridge near
9 the winery, in the southern part of section 4 above described.

10 Q Are there ~~any~~ any other flood channels there?

11 A This flood channel is only one of the various flood
12 channels and later on in another map, I will be able to
13 show numerous flood channels on the Cucamonga debris cone,
14 some of them several miles west of this.

15 Q What is the area of the Ontario Colony Lands included
16 within the Rancho Cucamonga?

17 A There are 5966 acres of Cucamonga Rancho in the Ontario
18 Colony Lands.

19 Q That is, the Ontario Colony Lands cover that much of
20 the Rancho?

21 A Yes, sir.

22 The Court: Q That is the acreage of the Cucamonga Ranch?

23 A 13,355 acres. That is, (referring to the 5966 acres)
24 within the Old Colony Lands, and exclusive of the recent
25 purchases.

26 Mr. McKinley: Q Will you describe on the map the portion
27 of the lands shown on it which are covered by the distribut-
28 ing system of the San Antonio Water Company.

29 The Court: Before he starts in on that, I would like to

[illegible]

1 ask if this acreage that he gave, which he says is exclu-
2 sive of the recent purchases, -- I would like to know the
3 acreage of the recent purchases approximately.

4 A I will give them serially.

5 Mr. Stephens: And by whom, Mr. Trask?

6 A The tract of land on which the Stowell wells are lo-
7 cated, there are 262 acres.

8 Mr. Britt: Q By whom purchased? Which Company?

9 A The lots number 4 in section 9, and 1,2,3,4 in section
10 Q --

11 Mr. McKisley: Q What are you referring to? Purchased
12 from whom?

13 A Those purchases have come -- some of them came at the
14 time ~~that~~ with the Power Company. The Power Company owned
15 them. Then the Power Company's property was turned over
16 to the San Antonio Company. I don't know the dates. I
17 simply know that they had possession of the lands. I can't
18 give the dates of the purchase.

19 Q What land is it? Show us on the map.

20 A I will have to have the Cucamonga Homestead Association
21 map here for some of these figures, and the Cucamonga Fruit
22 Land Map. I think Mr. Britt could probably locate that
23 better than I could. I have a description of part of it
24 here. I will read it into the record if you wish. "Lots
25 No. 4, section 9, and 1, 2, 3, 4 Section 8.

26 Q Those are owned by the Ontario Power Company?

27 A Yes, sir. Also Block 20 of the Cucamonga Homestead
28 Association. About 140 acres. The Rubio Ranch. The
29 Company has since sold the 41 acres of the surface. They

[illegible]

1 purchased 50 acres originally, and have the water rights
2 in the acreage sold, and I have marked it and designated
3 the tract with a blue line around it for the purpose of dis-
4 tinguishing it from lands that they owned.

5 Mr. Stephens: Was that the piece they sold subject to a
6 reservation of the water rights -- the piece with the blue
7 around it?

8 A Yes, sir, that is San Antonio Water Company land too,
9 rather than Ontario Power Company.

10 Q That is not the whole Rubio place?

11 A No, sir. They sold forty-one or two acres out of the 58.

12 The Court: Q Reserving all the water?

13 A Yes, sir. Then the Keller ranch, about 40 acres, that
14 is San Antonio Water Company property?

15 The Court: Q Indicate it on the map.

16 A That is shown in the southeast corner of section 33.

17 The Court: Does it include all that rectangular piece?

18 A No, part of that is the Haskell property. The property
19 covered by the green with the red border around it, contains
20 the old Haskell property which I think was 20 acres., and
21 the Keller property, 40 acres, lies immediately north of it,
22 making 60 acres in that tract, and it is made up as I have
23 designated it, of those two purchases. Making a total of
24 620 acres that is in the Tucumanonga Rancho, and added to
25 the original area of the Ontario Colony Lands, making a to-
26 tal of 6500 acres.

27 Mr. McKinley: Q Which amount is the Colony lands --

28 A The Colony lands plus recent purchases of the Ontario
29 Power Company and the San Antonio Water Company within

the Tucumanonga grant.

[illegible]

1 And the balance of the Ontario Colony, which is the original
2 Colony lands, about 6560 acres; or adding the 620 acres
3 to the original area of 5960 acres, to the area of the On-
4 tario Colony Lands lying south of the ranch, 6560 acres.

5 It makes the total holdings of the colony or in the colony
6 as it now stands, 13,140 acres. That includes the water-
7 bearing lands and the area through which that water is used
8 for irrigation purposes.

9 Q These railroad tracks here are shown in the proper
10 place?

11 A The three trans-continental lines pass through the Colo-
12 ny, and are shown correctly. The Santa Fe is half way
13 between 6th and 9th streets, where it crosses Euclid Avenue.
14 The Southern Pacific is about an eighth of an mile south of
15 A Street in the town of Ontario. The Salt Lake Railway is
16 some four or five hundred feet further south. And each line
17 passes in an easterly and westerly direction through the
18 Colony.

19 Q Now, will you show on the map the portion of these
20 lands which are under the distributing system of the San
21 Antonio Water Company?

22 A South of the Santa Fe Railway the San Antonio Water Com-
23 pany has a system of lateral pipe lines running north and
24 south a distance of an eighth of a mile apart along the
25 lot lines of the 10-acre subdivisions into which the colony
26 is subdivided, running southerly to the south line of the
27 Colony, with the exception that in sections 29 and 30,
28 township 1 south range 7 west. In those sections there are
29 only 2 or 3 lines that run to points where groves are being

[illegible]

1 irrigated. The easterly parts of section 8, section 17,
2 and section 20 are not completely covered. I can't give
3 from memory the exact area that is covered.

4 Q You have memoranda from which you can ascertain that?

5 A I think I have. North of the Santa Fe Railway and for
6 a distance of an eighth of a mile west of Mountain Avenue,
7 as shown on this map, these parallel lines are run at the
8 specified interval of an eighth of a mile apart throughout
9 the colony from 34th Street south. On the west they are
10 limited ~~by~~ one pipe line an eighth of a mile west of Moun-
11 tain Avenue. On the east, north of 16th Street and east of
12 Euclid Avenue, there are three pipe lines running north and
13 south through the colony between 24th and 16th Streets.
14 Between the Santa Fe Railway and 16th Street, on the east
15 side of Euclid Avenue, the pipe lines have been increased,
16 (the number of them) on the east so that in places there
17 are three, and the further south you go, the larger the area
18 covered with it, and the pipe lines have been extended, so
19 that I think at once point there are four and possibly five
20 parallel lines an eighth of a mile apart. The system of
21 distribution of Ontario Colony, as I have before stated,
22 is a series of north and south distributing lines of large
23 main pipe lines bringing water from the sources of supply.
24 The pipe lines are shown from the 16th Street wells and
25 McCauley tunnel -- the main diagonal lines -- but the water
26 from the San Antonio Canyon and the San Antonio tunnel is
27 brought in through a large ditch, a large cement conduit,
28 around the foot of the hills about a quarter of a mile east
29 of Mountain Avenue and at a point between 25th and 26th

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1 Street, and there it is used for power through a steel pipe
2 line of some 2,000 feet in length; and this pipe line is
3 paralleled by an over-flow line. The water is delivered
4 from the power house into a main which runs in general terms
5 along 24th Street east to about a quarter of a mile east of
6 Euclid Avenue, and that is the main supply main taking water
7 for the laterals on 24th Street and supplying the orange
8 groves lying south of 24th Street throughout the colony.

9 Q. Whereabouts is that power house?

10 A. In section 24, township 1 north, range 8 west.

11 Q. Mark it on the map, will you, as nearly as you can?

12 A. I have marked a rectangular figure in pencil between
13 24th and 25th Streets at a point about half way between
14 San Antonio Avenue and Mountain Avenue, and I have written
15 a legend "S.A. Heights Power House." That is approximately
16 the location.

17 Q. You say there is an over-flow pipe coming down there.

18 A. The pressure pipe line comes down from the main gravity
19 conduit, around the foot-hills, at a point a little west
20 of north of the power house, and there is a supplemental
21 line from this conduit down to and past the power house,
22 so that the use of the water by the Lower Company will not
23 interfere with the irrigation service of the water. The
24 object being to keep the water running at all times. That
25 is, if the Company shuts down its wheels, ^{the water} it goes into the
26 other pipe line and into the measuring-box below.

27 Q. What becomes of all the water that is used, and the over-
28 flow? In other words, does it all go into the system of
29 the San Antonio Water Company?

1 A It does during the irrigation season. At other times
2 a large amount is spilled below the power house, and at
3 points east it is spilled into the drainage channels and
4 the gravel beds north of 16th Street, at advantageous points.

5 Q Does that go into the debris cone, or what becomes of it

6 Mr. Britt: That is a matter of ultimate fact to be determined

7 Mr. McKinley: Not that it goes into the debris cone. As
8 to the effect of it, I suppose I could reach it by an ex-
9 pert opinion, but I don't want to do that now.

10 Mr. Britt: Q Where is it turned out and distributed?

11 Mr. McKinley: Yes, where --

12 A About a quarter of a mile below the power house there
13 is a distributing box. At this box there are several dis-
14 tributing lines leading out, the main line running easterly
15 along or near the line of 24th Street, leaves this box.

16 Another line running down San Antonio Avenue, leaves that box.

17 Another running down one 10-acre distance, an eighth of
18 a mile west of San Antonio Avenue.

19 Q Will you designate it?

20 A I have marked a square in pencil in the block bounded
21 by San Antonio Avenue on the east, and 24th Street on the
22 south, and near the south-east corner of said block I
23 have marked a square in pencil and written the designation
24 "Div." for division, and "Box" at the point, the approximate
25 location of which is shown there, at which there is a dis-
26 tribution of water into the different pipe lines. At that
27 point at times when the water is not used for irrigation
28 purposes, the waters are allowed, some of them, to run out
29 into a wash which is a natural drainage channel for that

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1 particular area at that point.

2 The Court: Q Which way does it drain?

3 A Southerly, in general terms, and when it gets south
4 it turns easterly. The whole trend of the country, when
5 you get off of the foot-hills, is southeasterly. I will
6 show that later with a topographical map which I have.

7 Mr. McKinley: Q What becomes of the other water that is
8 not permitted to go there?

9 A The pipe lines carry it easterly. A portion of that
10 water is carried east through the main pipe line along 24th
11 Street, and portions of it are ~~spilled~~ split up and turned
12 down the parallel distributing lines that are one-eighth
13 of a mile apart. Some of it is carried as far east as a
14 quarter of a mile east of Euclid Avenue, and it is run down
15 the lateral pipe lines and at different points spilled out
16 into the gutter, especially along Euclid Avenue, and taken
17 up again by the drainage gutter on 19th Street, which inter-
18 cepts all waters both flood and irrigation, that are spilled
19 out above that street, and directs the same easterly into
20 the washes of the Bucamonga debris cone. Those are the
21 two principal points south of the measuring-box at which
22 the flood waters or the surplus waters during the non-irri-
23 gation season that are used for power purposes in the power
24 house, are distributed in the gravel bed.

25 Q The measuring of the water of the San Antonio Canyon has
26 been under your direction during your service as engineer

27 A Yes, sir. The waters of the San Antonio Creek are
28 measured at what is known as the division dam. It is a
29 point some three-quarters of a mile north of the Colony

[illegible]

1 lands and within the confines of the San Antonio Canyon.
2 It is the point where the water has been measured for a
3 great many years,-- and where the waters have been divided
4 between the Ontario and Pomona consumers.

5 Q What has been the division there? an equal division?

6 A Formerly --

7 Q I am asking for the practice, and not what either of
8 these is entitled to.

9 A Formerly the division was equal between the Pomona or
10 west side users and the Ontario or east side users. In
11 the year '96, or '97, the San Antonio Water Company acquired
12 excess and additional rights which have given the Ontario
13 Colony more than half of the water in these later years.

14 Q How much more?

15 A It has varied from time to time.

16 Q How have you determined it?

17 A It has been determined by purchase.

18 Q I mean how do you determine the actual division?

19 A We determine the actual division by measuring weirs
20 placed in the canyon.

21 The Court: I suppose these original purchases change the
22 proportion simply?

23 A Originally they were one to one. There were two pur-
24 chases made the same year. One was of the first supply of
25 water which was a priority in the canyon and was above the
26 point of division. That was purchased by the San Antonio
27 Water Company, and it was a flat amount of 20 inches,
28 and is a prior claim on the water supply, and it had to be
29 taken out before the division was made. The purchase from

[illegible]

1 the Pomona Land and Water Company of their interests con-
2 sisted of purchasing all the waters that they had a right
3 and title in at that time. That is, the Pomona Land and Wa-
4 ter Company had contracted to supply its stockholders or
5 other parties interested in the San Antonio Canyon waters,
6 with 312 inches of water whenever the water at the division
7 dam (and during those years that was below the point of
8 diversion of the Gird water) whenever the water at the di-
9 vision dam was 624 inches or more. Whenever the water was
10 624 inches or less the water was divided equally.

11 Mr. McKinley: Q After taking out the 20 inches?

12 A The 20 inches was used on land above, up to the time of
13 the purchase, so that there was no record made at the divis-
14 ion dam of that prior to the purchase by the San Antonio
15 Water Company. The result was that the Pomona Land and
16 Water Company had excess rights only when there was over
17 624 inches. And those rights to the flood or excess waters
18 over 312 inches whenever there was over 624 inches at the
19 division dam at that time were purchased by the San Antonio
20 Water Company together with lands within the San Antonio
21 Canyon. So that the amount of water that the Ontario people
22 got -- the San Antonio Water Company -- for a number of years
23 from that canyon, varied from time to time. When the water
24 was less than 624 inches, it was always 20 inches plus one-
25 half of the balance.

26 Q How long since the Gird flow was acquired?

27 A The Gird water and the Pomona rights were acquired I
28 think in the spring of 1897. That is my recollection. If I
29 am incorrect, I will ascertain later.

[illegible]

1 Q The mode of division has been as you have stated ever
2 since?

3 A For a number of years that was the mode of division.
4 When the Ontario Power Company put in the plant known as
5 the Ontario Electric Development or Electric Power Develop-
6 ment, and developed the water power of the San Antonio Canyon
7 with their power house located very ~~near~~ the division dam,
8 they introduced a new factor in the division of water.

9 Q When was that?

10 A That plant was ~~built~~ in 1902, and the waters were turned
11 through that plant about Christmas of 1902, if I remember
12 right, or 1903.

13 Q Since that, how has the division been made?

14 A Since that date, the first water that has -- the prior
15 right has been the 20 inches of Gird water. The Ontario
16 Power Company have taken the salvage which was the result
17 of the saving made by them in their piping of the waters
18 for 3½ miles in the canyon, which salvage amounted to 19%,
19 as determined by the engineers, although the exact amount
20 is still indeterminate. That is, it is open for the considera-
21 tion of the courts of Los Angeles.

22 Q Any litigation on that ~~subject~~ subject?

23 A Yes, sir. The cause was litigated, and the Supreme
24 Court determined that the salvage existed --

25 Q We needn't go into that. My purpose is to show
26 just what we actually got.

27 Mr. Haskell: Q What did you say the percentage of sal-
28 vage was?

29 A The engineers determined 19%. The lower court said --

1 The Court: Let's have it. It won't do us lawyers any harm
2 to learn a little law.

3 A. The court said that there was not sufficient data for
4 specifying; that as the exact percentage. The higher court
5 said that the percentage of salvage existed and that the
6 lower court must determine that amount, and the determina-
7 tion of the exact percentage will be taken up about the
8 3rd. of May.

9 The Court:Q What is the title of that case?

10 A. Pomona Land and Water Company and a number of plaintiffs
11 against the Ontario Power Company and San Antonio Water
12 Company.

13 Here the Court takes a recess until 2 o'clock p.m.

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SUPERIOR COURT

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Afternoon Session: 2 p. m.

Mr Stevens: We will stipulate that at a meeting held on March First, 1900, A. W. Hellman, C. W. Childs, I. W. Hellman, J. Downey Harvey and Max Heyberg were elected directors of the Cucamonga Land and Irrigation Company; and so far as I know there has been no meeting since then.

C. W. Childs was elected Secretary, I. W. Hellman, President and Max Heyberg, vice-president.

-o-

F E TRASK

F E Trask, recalled for defendants, testified as follows:

Direct Examination, Resumed.

Mr McKinley, Q At the time we adjourned you were stating as to the division of water as between the San Antonio Water Company and the Pomona Company: had you completed your statement about that?

A No; my recollection is that I brought the details and methods for the distribution or division of the water down to the date of our beneficial use of the salvage and saving of it by the San Antonio Water Company. Since the construction of the conduit of the Lower Company we have taken first from that supply of water the nineteen percent which we estimated as the proper average salvage, and that has been the first deduction we have made from the total flow of water at the division dam; after the nineteen percent has been taken out we have taken out the Bird water; and then when the flow was 624 inches, - that is the balance of the water, after taking the deductions of the salvage and the Bird water -

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1 when the water was in excess of the 624 inches, we have
2 given to the Pomona people 312 inches, and taken the bal-
3 ance.

4 Q Does that cover all water received from the San Antonio?

5 A That is all the surface waters which I am describing
6 now.

7 Q You have stated where that water is measured?

8 A Yes, sir; the same point of division.

9 Q In addition to that there is San Antonio tunnel water?

10 A Yes, sir; I am not quite through with this yet.

11 Q All right; go ahead.

12 A Now, at times when the water left, after deducting the
13 nineteen percent and the 20 inches of Gird water- and by the
14 way the 20 inches of Gird Water by the decision of the Court
15 was reduced from 20 to 18 inches, and since that decision
16 in the lower Court we have deducted as Gird water 18 inches
17 instead of 20.-

18 Q About how long ago was that?

19 A Well, I think for the season of 1906 we made that de-
20 duction; whether we did for 1905 or not I don't remember.
21 After those deductions, whenever the water is 624 inches or
22 less, then it is divided equally, that remainder, after the
23 diversion of the 19 percent and the Gird water, between the
24 Pomona and the Ontario systems. The San Antonio Company
25 and the Ontario Power Company get together all the creek wa-
26 ters excepting 312 inches, whenever the remainder is 624
27 inches or more.

28 Q What does the Ontario Power Company take out of that?

29 Simply the salvage of nineteen percent?

When the water was full of the fish, we saw
them as the common people did, and when the fish
were...

I have had many fish caught from the fishponds
and that is all the fish which were taken from the fishponds.

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and that is all the fish which were taken from the fishponds.

1 They acquired the salvage by virtue of their improve-
2 ments.

3 Q What disposition is made of that water as to use?

4 A It goes into the system of the San Antonio Water Company
5 and by some arrangement between the two companies is put
6 to beneficial purposes.

7 Q Then there is water from another source from the San
8 Antonio region, as I understand it from a tunnel?

9 A There is.

10 Q Will you describe just what that is, and what the San
11 Antonio Company has there in the way of a tunnel?

12 A There is a tunnel in the San Antonio Canyon, designated
13 the San Antonio tunnel; the tunnel is driven from a point
14 in the northeast quarter of section 24, township 1 north,
15 range 2 west, northerly into the canyon; the work was begun
16 back in the 80's, in that tunnel, and I finished it myself
17 in the 90's; and it has a total length for two main tunnel
18 of something over 3000 feet, with some gathering ^{channels} tunnels or
19 branches, and for 600 feet is run in the bedrock in the main
20 axis of the San Antonio Canyon, and in the neighborhood of
21 a quarter of a mile south of the point known as the divis-
22 ion dam, where the surface waters are apportioned and dis-
23 tributed. The first official measurements I have of that
24 tunnel were made in 1888, and I think I have made them con-
25 tinuously ever since, with the exception of one and possibly
26 two years; and that source of supply comes into the San
27 Antonio Water Company's pipe line at the mouth of the canyon
28 and is used for both power purposes and for irrigation and
29 domestic purposes and is mingled in that use with the surface

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1. The first thing I noticed when I stepped
2. out of the plane was a sense of freedom.
3. The air was fresh and the sun was shining.
4. I had been told that the weather was perfect.
5. And it was. The temperature was just what I needed.
6. The humidity was not too hot, not too cold.
7. It was just right. The humidity was perfect.
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18. The humidity was perfect. The humidity was just what I needed.
19. The humidity was perfect. The humidity was just what I needed.
20. The humidity was perfect. The humidity was just what I needed.
21. The humidity was perfect. The humidity was just what I needed.
22. The humidity was perfect. The humidity was just what I needed.
23. The humidity was perfect. The humidity was just what I needed.
24. The humidity was perfect. The humidity was just what I needed.
25. The humidity was perfect. The humidity was just what I needed.
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28. The humidity was perfect. The humidity was just what I needed.
29. The humidity was perfect. The humidity was just what I needed.
30. The humidity was perfect. The humidity was just what I needed.
31. The humidity was perfect. The humidity was just what I needed.
32. The humidity was perfect. The humidity was just what I needed.

43
1 waters of the San Antonio Canyon.

2 Q Carried through the same pipes to the power house and
3 it is a part of the same water of which you have described
4 the disposition heretofore?

5 A Yes, sir.

6 Q There is the measurement of that water made?

7 A There is a weir at the mouth of the tunnel, where a
8 separate and distinct measurement is made of the output of
9 the tunnel.

10 Q Now, with regard to the other waters brought into the
11 system, where are the measurements made?

12 A The Frankish and Stamm tunnel has supplied more or less
13 water from time to time since its construction, and there
14 is a weir at the mouth of the tunnel over which that water
15 has been measured, and some records have been kept. The
16 water from the 16th street wells has been measured at one
17 common point, or one point where all of the waters have
18 flowed through one weir.

19 Q Where is that point?

20 A That point is in the northern part of section 5, town-
21 ship 1 south, range 7 west, a short distance below 16th
22 street, and about a mile east of Euclid Avenue, and is marked
23 Box C on this map, by a little square designation in the
24 pipe line which conducts the water from these wells wes-
25 terly through the Colony lands.

26 Q That weir measure simply the 16th street wells?

27 A That measures all the pumped water of the San Antonio
28 Water Company from the 16th street wells and the Haskell
29 wells, designated as the 16th street pumped wells.

1. The water of the San Antonio Canyon.

2. The water of the San Antonio Canyon is the same as the water of the
3. It is a part of the same water of which you have described
4. the geological history?

5. Yes, sir.

6. There is the movement of food water?

7. There is a vein of the mouth of the tunnel, where a
8. separate and distinct movement is made of the water of
9. the tunnel.

10. Yes, sir, this water is the other water brought into the
11. system, there are the movements made?

12. The French and German tunnel has supplied water or has
13. water from the line since its construction, and there
14. is a vein of the mouth of the tunnel over which that water
15. has been secured, and some records have been kept. The
16. water from the Irish street wells has been secured as was
17. some point, or one point where all of the water has
18. flowed through one vein.

19. There is that vein?

20. That vein is in the northern part of section 2, and
21. this I would, range 7 west, a short distance below 10th
22. street, and about a mile east of 10th street, and is water
23. from the same source as the water from these wells was
24. brought through the colony lands.

25. That vein means simply the Irish street vein?

26. That means all the water of the Irish street
27. water company from the Irish street wells and the National
28. wells, designated as the Irish street water wells.

1 Q Have you any measurement of those supplies separately

2 A Each well has its own separate measurement and weir, and
3 individual measurements have been made as a check on the
4 measurement made at the common point.

5 Q What other measurements were made of water coming in?

6 A The waters from the Hadie tunnel in the early days were
7 measured both at the mouth of the tunnel, through a weir
8 which Mr Stowell had constructed, and a point where the line
9 intersects the East Colony lines, - I mean by the line the
10 pipe line carrying the water from the tunnel to Ontario;
11 there was a measuring box there known as the Stowell box,
12 already referred to in the record in the case; so there was
13 a duplicate measurement of the waters going to Ontario
14 at that time; at the present time the entire measurement, the
15 complete measurement or record of the tunnel is kept over
16 a weir at the mouth of the tunnel, and that weir is really
17 a double weir in that it is a box with two weirs in it, one
18 measuring the portion to the Cucamonga Water Company and
19 its stockholders, and the other measuring the water going
20 to the San Antonio Water Company and the Ontario Power Com-
21 pany and their stockholders.

22 (Last answer of witness read at request of Court.)

23 The Court, Q Do you mean that Stowell ~~weir~~ box is not in
24 use at all now?

25 A I don't think the weir is in use at the present time;
26 I think the last time I noticed it the weir was knocked out
27 of the box.

28 Q How ~~fix~~ far is that Stowell box from the mouth of the
29 tunnel approximately?

1 45 I should say it was 2800 to 3000 feet. I want to say
2 in regard to that answer that was read, there is a little
3 ambiguity there, and one or two words have been left out;
4 there was, and I intended to say in that answer, there was
5 a measuring weir at the tunnel, and also one at the Colony
6 lines, where the pipe line intersected the Colony lines.

7 Q You mean at present?

8 A No, in the first two or three years.

9 Mr McKinley Q Now, the water from these sources are car-
10 ried through different pipe lines, A- the water from the 16th
11 street wells, and the water from these tunnels: Just state
12 what pipe lines they are carried through?

13 A Well, to make that comprehensive I will have to preface
14 my remarks by saying that the irrigation in the upper part
15 of the Colony is wholly and solely from the Canyon and Can-
16 yon tunnel supplies in years when that is ample and suffi-
17 cient; otherwise the other sources, namely the 16th street
18 wells and the Eadie tunnel are drawn on only in part; but as
19 the supply from the canyon decreases it becomes necessary to
20 to supply all the Colony lands and at such times the water
21 is taken in from the 16th street wells and from the Eadie
22 tunnel, supplementing the supply from the north, in order to
23 cover all the lands reached by the pipe system of the San
24 Antonio Water Company; and these same pipes are used for
25 one and all of the supplies, whenever the waters are of
26 sufficient elevation to run into those pipe lines; for in-
27 stance all the pipe lines in the distributing system may
28 have some water from all of these sources at times.

29 Q I didn't ask you about the pipe lines in the distributing

1 system, but the different pipe lines connecting the dis-
2 tributing system with the sources of supply. Just explain
3 what those pipe lines are?

4 A Those pipe lines bring the water from the sources of
5 supply to the intersecting and distributing laterals.

6 Q Well, tell what pipe lines there are there?

7 A Well, I have heretofore said that from the Eadie tunnel
8 there is a 22 inch line which was laid at the time of the
9 original purchase from Stowell of 130 inches, and that la-
10 ter when the Ontario Power Company acquired additional
11 rights and water a supplemental 30 inch pipe line paral-
12 leled this first line, covering practically the same terri-
13 tory, and reaching practically the same distributing lines.
14 And the same in part is true of the pipe line conducting
15 the waters of the 16th street wells westerly into the Col-
16 ony lands; originally the pipe line - the main line is a
17 20 inch line, but at different times different sized pipes
18 have been laid there, and I think a part of that line is
19 duplicated now, in part.

20 Q Now, when these waters are carried from these various
21 sources to the distributing system, state whether all of
22 them are used for the benefit of the stockholders of the
23 San Antonio Water Company?

24 Mr Britt: That is beyond the scope of this witness's
25 qualifications; I object to the question in this comprehen-
26 sive way.

27 Mr Mc Kinley: I withdraw the question.

28 Q State whether all of these waters, other than those
29 taken by the Ontario Power Company are distributed to the

1 stockholders of the San Antonio Water Company?

2 Mr Britt: That question involves entirely a conclusion of
3 the witness.

4 Q Has the distribution of the waters been under your
5 direction?

6 A Not in recent years; and in former years it was in a
7 way, at the time I was Chief Engineer of the company.

8 Q Whose direction was it under in recent years?

9 A The board of directors, through their manager, and
10 through the manager thezanjero controls the water; I have
11 nothing to do with its apportionment.

12 Q Are there any other matters to explain on this map?

13 A There is nothing further on this that I care to take up.

14 Q Are you familiar with the division between the Ontario
15 Power Company and the San Antonio Water Company of waters,
16 what disposition is made of the waters by the two companies?

17 A I am not familiar with the practical method of the dis-
18 tribution as between the two companies; I know what the
19 rights of the companies are as regards the sources, but as
20 regards the practical distribution I don't know.

21 Q As regards the actual distribution you don't know?

22 A No, sir.

23 Q You can proceed and explain the other map, Exhibit E
24 you have here, that is other than you have explained it.

25 A There are some things that I have not called the
26 attention of the Court to in relation to this map, although
27 some study of it might reveal the facts contained herein.
28 I have located on this map the bulkhead which was construc-
29 ted in 1907 in the Sadie tunnel, and I have marked

responsibility of the San Antonio Water Company?

Mr. Edd: That question involves entirely a question of

the future.

Q Has the disposition of the water been under your

direction?

A Not in recent years; and in former years it was in a

way, at the time I was Chief Engineer of the company.

Q Those directions are it under the present board?

A The board of directors, through their manager, has

through the manager the right to control the water; I have

nothing to do with the appointment.

Q Are there any other matters to explain on this way?

A There is nothing further to say that I care to take up.

Q Are you familiar with the relation between the water

works and the San Antonio Water Company?

A I am not familiar with the relation between the water

works and the San Antonio Water Company.

Q I am not familiar with the relation between the water

works and the San Antonio Water Company.

Q I am not familiar with the relation between the water

works and the San Antonio Water Company.

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works and the San Antonio Water Company.

Q I am not familiar with the relation between the water

works and the San Antonio Water Company.

Q I am not familiar with the relation between the water

works and the San Antonio Water Company.

1 "Bulkhead 1907" at that point.

2 Mr Fritt Q Is it marked on the map?

3 A Yes, sir; it is so marked on the map, on the 90-acre
4 tract. Another matter I wish to call the Court's attention
5 to is that the wells on the property of the San Antonio Water
6 Company and the Ontario Power Company are numbered, and where
7 possible the year when drilled is written near them, and
8 the elevation of the surface of the ground in each one; and
9 that wells of the plaintiffs - in fact the wells of all other
10 companies and individuals that appear here in the record -
11 bear letters as designations, rather than numbers, with the
12 possible exception of the Sourwine well, located south of
13 19th street, in the easterly portion of section 33, town-
14 ship 1 north, range 7 west, which well bears the number 33

15 Q What is indicated by this line, this hatched line, what
16 does that represent?

17 A That represents approximately the contact between the
18 recent and the ancient alluviums; on the westerly side of
19 the map it is well defined, and the hatchings go through the
20 90-acre tract northerly, and there the definition of the con-
21 tact between the two gravels is well defined, and the same is
22 true of the little red hill lying west of the large Cucu-
23 monga Red hill, designated "small red hill" on the map, in
24 the southwestern corner of the map; the line ^{through} ~~between~~ sec-
25 tions 33 and and 34, shown by this hatching, is approxi-
26 mately the contact as shown by the surface indications on
27 the ground; it may be fairly close in some places, and I
28 have placed that at a point to indicate conditions where
29 there has been an intermixing of the materials, that is

De vromen/deroefen, die verstaen niet de oeffeninge vaders

1 an intermixing of the ancient and recent alluviums; so that
2 an accurate and definite and exact location of that contact
3 is somewhat questionable in some places.

4 Q What do you mean by the ancient alluvium?

5 A I mean the silts that were laid down in a much earlier
6 geological period than the present, and have had time to
7 decompose and change and oxidize, in distinction from the
8 gravels from the present debris cones which are recent, and
9 have a harder texture and lighter appearance.

10 The Court, Q I cannot quite see, and from your testimony
11 I could not make out whether you meant that line of hatching
12 on the east and west to be a continuous line, or is there a
13 break on the north?

14 A At a point where the flood waters of the Colorado Can-
15 yon, of the easterly channel, which come through the Red
16 Red Hill, at a point where they pass through the red hill,
17 the recent material has been washed over the surface, and
18 there is no surface indication at that point; I presume a
19 little digging would show the ancient below, a few feet
20 more or less; and I have not traced the line through sec-
21 tions 33 and 34; it may go further to the north; I have not
22 observed it very closely, but I sketched that in from some
23 observations that I made at one time in the field; the fur-
24 ther north you go the more indefinite becomes the exact lo-
25 cation of that line; that is as you pass into section 34.

26 Q In the purchases made by the San Antonio Water Company,
27 in the beginning, at least for a while, you were the engineer
28 of the company, in the neighborhood of the Red Hill?

29 A Yes, sir.

1 Q Will you take those up in their order, giving an ac-
2 count of them, giving your information and observation at
3 the time?

4 A The first property purchased by the San Antonio Water
5 Company comprised cert in lots which are included in the
6 tract enclosed with a red border about the same, lying part-
7 ly in sections 32 and 33, just immediately north of 16th
8 street, township 1 north, range 7 west, and were the result
9 of a contract or the conclusion of a contract between
10 Frankish and Stamm and the San Antonio Water Company in
11 regard to water developments, and have been referred to
12 heretofore by witnesses in the testimony, and I believe the
13 numbers of those lots were given.

14 Q State what observation you made of that before the pur-
15 chase, giving the history of that so far as your know-
16 ledge goes, other than the measurements; I will take those
17 up later.

18 A Well, in my study of the Red Hill formation and the
19 hydrographic and topographic conditions back in 1888 and
20 1889, I was over that tract represented by the coloring
21 here on the map, and those are the points that I selected
22 as the most desirable prospect for water.

23 The Court, Q Were any of those experimental shafts on
24 that tract?

25 A That is the tract they were on.

26 Q All of them. ?

27 A No; two of them; the first two were there; 3 and 4
28 were off this tract, not on this map; this map is on a much
29 larger scale and was constructed for the purpose of greater

1 detail in and about the Red Hill only, and not of terri-
2 tory remote.

3 Mr Mc Kinley Q The first shafts on that property were
4 put down under your direction?

5 A Yes, sir; and they are practically the locations of the
6 16th street wells ~~numbers~~ 3 and 2, and at that time were
7 known as Sixteenth Street wells 1 and 2, and I think re-
8 ferred to under those numbers in the McPherson case.

9 Q When were those shafts put down?

10 A My recollection is that they were put down in 1889; there
11 was some little time elapsed from the time we put down the
12 first till we put down the last; the last one was the one
13 put dwn in the Canyon, marked on Exhibit D as Experimen-
14 tal Well number 4.

15 Q Well, then give an account of those shafts and what you
16 found there?

17 A Those shafts went down through the debris material
18 and rock, sand and gravel to a depth of - -

19 Mr Britt, Q Did you preserve a log?

20 A I did not; but the material was very similar to that on
21 the surface, with an admixture of boulders and gravels and
22 sands. Those shafts were pu down about 64 to 70 feet
23 originally, and work was discontinued on them as soon as
24 we got water a few feet in depth.

25 Q What did you find as to water in them, taking each one
26 separately?

27 A Well, those two were fairly close together, 1 and 2,
28 probably 300 to 500 feet apart, and we found the water
29 standing at practically the same elevation; no experimental

1 work as to the amount of water was performed; it was sim-
2 ply a demonstration of the fact that the water existed there;
3 I had nothing to do with the wells; I paid no attention to
4 them after they were put down up to the time they began
5 pumping in 1894 and 1895.

6 Q The shafts were put down under your direction: who put
7 them down as owner?

8 A The Land and Improvement Company paid the expenses, and
9 they were on the Land and Improvement Company land.

10 Q That was the company controlled by Frankish and Stamm?

11 A Yes, sir.

12 Q Then come down with your description to your next know-
13 ledge of them?

14 A My next knowledge of those wells was when Frankish and
15 Stamm did the pumping of them, supplying water in lieu of
16 a deficiency of a supply from the Frankish and Stamm tunnel
17 at the time they were running that tunnel by virtue of a
18 contract they made with the San Antonio Water Company.

19 Q Who did they supply that water to? The water pumped
20 from the wells?

21 A The water was turned into the pipe lines of the San
22 Antonio Water Company.

23 Q You have measurements I suppose of that?

24 A I have no recorded measurement of that; it was estimated

25 Q What is your best recollection in regard to it as to
26 the amount? This is as to the water pumped from the 16th
27 street wells by Frankish and Stamm?

28 A My recollection is that at the pump it averaged about
29 30 inches; it was necessary to sink the shaft from time to

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1 time as the pumping operations continued and the amount
2 varied; at times it was 40 inches, and dropped off to 25
3 I suppose at times.

4 Q Do you know how deep the wells were at that time?

5 A I kept no construction record of the lowering of the
6 wells; my recollection is that the shafts were about 64
7 feet deep at the time they were first dug, and that 64
8 feet represented approximately the distance to the water
9 from the surface of the ground at that time.

10 Q You can go on with the history of those wells; how long
11 did they continue the pumping, either by Frankish and
12 Stamm, or by the Company, which means the same thing,
13 whichever I say.

14 A I think in '95 and '96 that well was pumped and deep-
15 ened; and the well number 1, now well number 3, was the
16 well that was pumped, and very little work was done on the
17 other at that time. My recollection is that the San An-
18 tonio Water Company took charge of it in the year '98.

19 Q Just state what was done at that time?

20 A During the preceding years Frankish and Stamm had
21 sunk a bored well; they bored a well to some depth, which I
22 think Mr Frankish stated correctly, - I haven't any notes of
23 it of my own - and the pumping machinery was inefficient
24 and the San Antonio Water Company needed the water, and in
25 1898 installed a considerable plant there, and sunk the
26 shaft deeper, and in 1899, either in the latter part of
27 1899 or 1900 - I have marked 1900 on the map, - they sunk
28 a deep well there, and installed a plant, and since that
29 date - -

Thomas and his children and family will be with
 us at The Heights and I will be with them at
 the same time. I will be with them at the same time.

1. In your last letter you wrote that you had found a large number of shells in the river of the
2. I have no objection to their being used for the purpose of the
3. I have no objection to their being used for the purpose of the
4. I have no objection to their being used for the purpose of the
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9. I have no objection to their being used for the purpose of the
10. I have no objection to their being used for the purpose of the

Answer I say.

[illegible]

1. In 1897, the first well was drilled at the site of the present well. It was 100 feet deep and was abandoned in 1900. In 1901, a second well was drilled, 150 feet deep, and was abandoned in 1902. In 1903, a third well was drilled, 200 feet deep, and was abandoned in 1904. In 1905, a fourth well was drilled, 250 feet deep, and was abandoned in 1906. In 1907, a fifth well was drilled, 300 feet deep, and was abandoned in 1908. In 1909, a sixth well was drilled, 350 feet deep, and was abandoned in 1910. In 1911, a seventh well was drilled, 400 feet deep, and was abandoned in 1912. In 1913, an eighth well was drilled, 450 feet deep, and was abandoned in 1914. In 1915, a ninth well was drilled, 500 feet deep, and was abandoned in 1916. In 1917, a tenth well was drilled, 550 feet deep, and was abandoned in 1918. In 1919, an eleventh well was drilled, 600 feet deep, and was abandoned in 1920. In 1921, a twelfth well was drilled, 650 feet deep, and was abandoned in 1922. In 1923, a thirteenth well was drilled, 700 feet deep, and was abandoned in 1924. In 1925, a fourteenth well was drilled, 750 feet deep, and was abandoned in 1926. In 1927, a fifteenth well was drilled, 800 feet deep, and was abandoned in 1928. In 1929, a sixteenth well was drilled, 850 feet deep, and was abandoned in 1930. In 1931, a seventeenth well was drilled, 900 feet deep, and was abandoned in 1932. In 1933, an eighteenth well was drilled, 950 feet deep, and was abandoned in 1934. In 1935, a nineteenth well was drilled, 1000 feet deep, and was abandoned in 1936. In 1937, a twentieth well was drilled, 1050 feet deep, and was abandoned in 1938. In 1939, a twenty-first well was drilled, 1100 feet deep, and was abandoned in 1940. In 1941, a twenty-second well was drilled, 1150 feet deep, and was abandoned in 1942. In 1943, a twenty-third well was drilled, 1200 feet deep, and was abandoned in 1944. In 1945, a twenty-fourth well was drilled, 1250 feet deep, and was abandoned in 1946. In 1947, a twenty-fifth well was drilled, 1300 feet deep, and was abandoned in 1948. In 1949, a twenty-sixth well was drilled, 1350 feet deep, and was abandoned in 1950. In 1951, a twenty-seventh well was drilled, 1400 feet deep, and was abandoned in 1952. In 1953, a twenty-eighth well was drilled, 1450 feet deep, and was abandoned in 1954. In 1955, a twenty-ninth well was drilled, 1500 feet deep, and was abandoned in 1956. In 1957, a thirtieth well was drilled, 1550 feet deep, and was abandoned in 1958. In 1959, a thirty-first well was drilled, 1600 feet deep, and was abandoned in 1960. In 1961, a thirty-second well was drilled, 1650 feet deep, and was abandoned in 1962. In 1963, a thirty-third well was drilled, 1700 feet deep, and was abandoned in 1964. In 1965, a thirty-fourth well was drilled, 1750 feet deep, and was abandoned in 1966. In 1967, a thirty-fifth well was drilled, 1800 feet deep, and was abandoned in 1968. In 1969, a thirty-sixth well was drilled, 1850 feet deep, and was abandoned in 1970. In 1971, a thirty-seventh well was drilled, 1900 feet deep, and was abandoned in 1972. In 1973, a thirty-eighth well was drilled, 1950 feet deep, and was abandoned in 1974. In 1975, a thirty-ninth well was drilled, 2000 feet deep, and was abandoned in 1976. In 1977, a fortieth well was drilled, 2050 feet deep, and was abandoned in 1978. In 1979, a forty-first well was drilled, 2100 feet deep, and was abandoned in 1980. In 1981, a forty-second well was drilled, 2150 feet deep, and was abandoned in 1982. In 1983, a forty-third well was drilled, 2200 feet deep, and was abandoned in 1984. In 1985, a forty-fourth well was drilled, 2250 feet deep, and was abandoned in 1986. In 1987, a forty-fifth well was drilled, 2300 feet deep, and was abandoned in 1988. In 1989, a forty-sixth well was drilled, 2350 feet deep, and was abandoned in 1990. In 1991, a forty-seventh well was drilled, 2400 feet deep, and was abandoned in 1992. In 1993, a forty-eighth well was drilled, 2450 feet deep, and was abandoned in 1994. In 1995, a forty-ninth well was drilled, 2500 feet deep, and was abandoned in 1996. In 1997, a fiftieth well was drilled, 2550 feet deep, and was abandoned in 1998. In 1999, a fifty-first well was drilled, 2600 feet deep, and was abandoned in 2000. In 2001, a fifty-second well was drilled, 2650 feet deep, and was abandoned in 2002. In 2003, a fifty-third well was drilled, 2700 feet deep, and was abandoned in 2004. In 2005, a fifty-fourth well was drilled, 2750 feet deep, and was abandoned in 2006. In 2007, a fifty-fifth well was drilled, 2800 feet deep, and was abandoned in 2008. In 2009, a fifty-sixth well was drilled, 2850 feet deep, and was abandoned in 2010. In 2011, a fifty-seventh well was drilled, 2900 feet deep, and was abandoned in 2012. In 2013, a fifty-eighth well was drilled, 2950 feet deep, and was abandoned in 2014. In 2015, a fifty-ninth well was drilled, 3000 feet deep, and was abandoned in 2016. In 2017, a sixtieth well was drilled, 3050 feet deep, and was abandoned in 2018. In 2019, a sixty-first well was drilled, 3100 feet deep, and was abandoned in 2020. In 2021, a sixty-second well was drilled, 3150 feet deep, and was abandoned in 2022. In 2023, a sixty-third well was drilled, 3200 feet deep, and was abandoned in 2024. In 2025, a sixty-fourth well was drilled, 3250 feet deep, and was abandoned in 2026. In 2027, a sixty-fifth well was drilled, 3300 feet deep, and was abandoned in 2028. In 2029, a sixty-sixth well was drilled, 3350 feet deep, and was abandoned in 2030. In 2031, a sixty-seventh well was drilled, 3400 feet deep, and was abandoned in 2032. In 2033, a sixty-eighth well was drilled, 3450 feet deep, and was abandoned in 2034. In 2035, a sixty-ninth well was drilled, 3500 feet deep, and was abandoned in 2036. In 2037, a seventieth well was drilled, 3550 feet deep, and was abandoned in 2038. In 2039, a seventy-first well was drilled, 3600 feet deep, and was abandoned in 2040. In 2041, a seventy-second well was drilled, 3650 feet deep, and was abandoned in 2042. In 2043, a seventy-third well was drilled, 3700 feet deep, and was abandoned in 2044. In 2045, a seventy-fourth well was drilled, 3750 feet deep, and was abandoned in 2046. In 2047, a seventy-fifth well was drilled, 3800 feet deep, and was abandoned in 2048. In 2049, a seventy-sixth well was drilled, 3850 feet deep, and was abandoned in 2050. In 2051, a seventy-seventh well was drilled, 3900 feet deep, and was abandoned in 2052. In 2053, a seventy-eighth well was drilled, 3950 feet deep, and was abandoned in 2054. In 2055, a seventy-ninth well was drilled, 4000 feet deep, and was abandoned in 2056. In 2057, an eightieth well was drilled, 4050 feet deep, and was abandoned in 2058. In 2059, an eighty-first well was drilled, 4100 feet deep, and was abandoned in 2060. In 2061, an eighty-second well was drilled, 4150 feet deep, and was abandoned in 2062. In 2063, an eighty-third well was drilled, 4200 feet deep, and was abandoned in 2064. In 2065, an eighty-fourth well was drilled, 4250 feet deep, and was abandoned in 2066. In 2067, an eighty-fifth well was drilled, 4300 feet deep, and was abandoned in 2068. In 2069, an eighty-sixth well was drilled, 4350 feet deep, and was abandoned in 2070. In 2071, an eighty-seventh well was drilled, 4400 feet deep, and was abandoned in 2072. In 2073, an eighty-eighth well was drilled, 4450 feet deep, and was abandoned in 2074. In 2075, an eighty-ninth well was drilled, 4500 feet deep, and was abandoned in 2076. In 2077, a ninetieth well was drilled, 4550 feet deep, and was abandoned in 2078. In 2079, a ninety-first well was drilled, 4600 feet deep, and was abandoned in 2080. In 2081, a ninety-second well was drilled, 4650 feet deep, and was abandoned in 2082. In 2083, a ninety-third well was drilled, 4700 feet deep, and was abandoned in 2084. In 2085, a ninety-fourth well was drilled, 4750 feet deep, and was abandoned in 2086. In 2087, a ninety-fifth well was drilled, 4800 feet deep, and was abandoned in 2088. In 2089, a ninety-sixth well was drilled, 4850 feet deep, and was abandoned in 2090. In 2091, a ninety-seventh well was drilled, 4900 feet deep, and was abandoned in 2092. In 2093, a ninety-eighth well was drilled, 4950 feet deep, and was abandoned in 2094. In 2095, a ninety-ninth well was drilled, 5000 feet deep, and was abandoned in 2096. In 2097, a hundredth well was drilled, 5050 feet deep, and was abandoned in 2098. In 2099, a hundred and first well was drilled, 5100 feet deep, and was abandoned in 2100. In 2101, a hundred and second well was drilled, 5150 feet deep, and was abandoned in 2102. In 2103, a hundred and third well was drilled, 5200 feet deep, and was abandoned in 2104. In 2105, a hundred and fourth well was drilled, 5250 feet deep, and was abandoned in 2106. In 2107, a hundred and fifth well was drilled, 5300 feet deep, and was abandoned in 2108. In 2109, a hundred and sixth well was drilled, 5350 feet deep, and was abandoned in 2110. In 2111, a hundred and seventh well was drilled, 5400 feet deep, and was abandoned in 2112. In 2113, a hundred and eighth well was drilled, 5450 feet deep, and was abandoned in 2114. In 2115, a hundred and ninth well was drilled, 5500 feet deep, and was abandoned in 2116. In 2117, a hundred and tenth well was drilled, 5550 feet deep, and was abandoned in 2118. In 2119, a hundred and eleventh well was drilled, 5600 feet deep, and was abandoned in 2120. In 2121, a hundred and twelfth well was drilled, 5650 feet deep, and was abandoned in 2122. In 2123, a hundred and thirteenth well was drilled, 5700 feet deep, and was abandoned in 2124. In 2125, a hundred and fourteenth well was drilled, 5750 feet deep, and was abandoned in 2126. In 2127, a hundred and fifteenth well was drilled, 5800 feet deep, and was abandoned in 2128. In 2129, a hundred and sixteenth well was drilled, 5850 feet deep, and was abandoned in 2130. In 2131, a hundred and seventeenth well was drilled, 5900 feet deep, and was abandoned in 2132. In 2133, a hundred and eighteenth well was drilled, 5950 feet deep, and was abandoned in 2134. In 2135, a hundred and nineteenth well was drilled, 6000 feet deep, and was abandoned in 2136. In 2137, a hundred and twentieth well was drilled, 6050 feet deep, and was abandoned in 2138. In 2139, a hundred and twenty-first well was drilled, 6100 feet deep, and was abandoned in 2140. In 2141, a hundred and twenty-second well was drilled, 6150 feet deep, and was abandoned in 2142. In 2143, a hundred and twenty-third well was drilled, 6200 feet deep, and was abandoned in 2144. In 2145, a hundred and twenty-fourth well was drilled, 6250 feet deep, and was abandoned in 2146. In 2147, a hundred and twenty-fifth well was drilled, 6300 feet deep, and was abandoned in 2148. In 2149, a hundred and twenty-sixth well was drilled,

Q What is on number 3?

A That is present number 3 I am referring to; and since that time whenever they have needed water that well has been pumped and it has furnished water, varying all the way from 60 or 70 inches to 100 inches, as shown by the records which have been already introduced here, and some which will be put in later. Well number 2 of those experimental wells was idle, and I recollect of only one effort to get water from it, and that was at the time they had an air plant and that was unsuccessful, because the machinery was of a capacity to handle only the one well; and that was taken over by the San Antonio Water Company in its control of this property - acquirement of control, - and sometime in 1900 or 1901 a deep well was bored there, and that has since been one of the permanent sources of supply.

Q How deep was that well?

A I cannot give it from memory; I think I have put them in the records in so far as I know in the early part of the trial; they called for all that data and I gave them all that I had. Experimental wells numbers 7 and 4 were never extended or deepened ~~after~~ after the original work, and I have no additional information concerning them.

Q What wells there have ever been pumped and water taken from them by the San Antonio Water Company? Anything except 3

A Each and every one of the wells shown in that exhibit ~~xx~~ marked 1 to 8 inclusive have supplied water for the Ontario people, or for the San Antonio Water Company; well number 6 known as the Rubio well has never to my knowledge discharged any water into the distributing system of the San Anto-

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1 nio Water Company to be used in the Ontario Colony lands ;
2 the waters from that well were used on the Rubio place ;
3 well number 6 is in the flood channel or in the easterly
4 limits of the Cucamonga wash.

5 Q What was your first knowledge of that well number 6?

6 A Mr Rubio owned the property on which that was located,
7 and it was afterwards acquired by the San Antonio Water
8 Company and that well was sunk about the time the Has-
9 koll well was sunk, sometime in 1899 he began that work-
10 I don't think he completed it in 1899; it was first a dug
11 shaft and he took some water from it with a small pump-
12 ing appliance that ~~was~~ he had.

13 Q Have you any measurements showing how much?

14 A No, sir; I haven't any measurements of it.

15 Q Do you know how much was pumped from it?

16 A There was never any opportunity to ~~xxx~~ measure the water
17 there; the way they handled the water there it was im-
18 practical to measure it; I ~~ave~~ seen it running on the orch-
19 ard and it varied, depending on the elevation he lifted it
20 to; then he lifted it to the surface of the ground for
21 the purpose of irrigating the orchard south of the well, I
22 should say he pumped about 30 or 35 inches; and when he
23 lifted it to the northwest corner of his tract, about an
24 eighth of a mile north of the well, on higher ground, I
25 should say the amount pumped up there was 20 or 22 or 23
26 inches; and those amounts varied from time to time.

27 Q How did he get it ~~at~~ there to that upper part of his
28 property?

29 A He had pumping machinery; it was forced there through a

the first thing I did was to go to the bank and get some money. I then went to the post office and sent a letter to my mother. I then went to the store and bought some food. I then went to the school and saw the teacher. I then went to the church and saw the minister. I then went to the hospital and saw the doctor. I then went to the court and saw the judge. I then went to the prison and saw the warden. I then went to the factory and saw the manager. I then went to the office and saw the clerk. I then went to the house and saw the family. I then went to the street and saw the people. I then went to the field and saw the crops. I then went to the river and saw the fish. I then went to the mountain and saw the trees. I then went to the valley and saw the flowers. I then went to the plain and saw the grass. I then went to the desert and saw the sand. I then went to the ocean and saw the waves. I then went to the sky and saw the clouds. I then went to the earth and saw the soil. I then went to the air and saw the wind. I then went to the fire and saw the flames. I then went to the water and saw the ripples. I then went to the sun and saw the rays. I then went to the moon and saw the craters. I then went to the stars and saw the galaxies. I then went to the universe and saw the everything.

1 pressure line by power. After the San Antonio Water Com-
2 pany acquired the Rubio place that well was continued to be
3 pumped for a number of years for the supply of irrigation
4 water to the Rubio place only, and the amount varied from
5 time to time; the last year or two, possibly two years, the
6 well has been out of commission, and the water necessary
7 to supply the Rubio orange grove has been taken from one or
8 the other of the Haskell wells known as wells 7 and 8 on
9 this exhibit.

10 Q Now with regard to the other well or wells there if
11 there is more than one that you have not covered.

12 A Well, my knowledge as to the Haskell well number 8 and w
13 wells 1, 4 and 5 is only general; I had nothing to do with
14 the supervision of the construction of those wells, and some
15 of them were constructed during the period of time that I
16 was not in any capacity in the employ of the company.

17 Q Well, you were in the employ of the company at the time
18 the Haskell well was purchased?

19 A Yes, sir; at the time the Haskell wells were bored I
20 was in the employ of the company; in fact I was gathering
21 data for the McPherson case at the time that work was pro-
22 gressing, and I was there frequently and often.

23 Q State the history of that well, your observation of it,
24 and when I ask for history I mean your knowledge of it.

25 A The first Haskell well came under my observation some
26 years before it was acquired by the San Antonio Water Com-
27 pany, and was a shaft only, put down by Mr Haskell, from
28 which he pumped some water.

29 Q What was your estimate of the amount?

SUPERIOR COURT

1 A I never saw him pumping the water myself, but I drew him
2 a little sketch for a small reservoir that he built at the
3 plant, and I know that he did pump some water into the
4 reservoir; whatever water he pumped from that well was used
5 on the Haskell 20 acres; the extent of that use I know no-
6 thing of; the shaft must have been 60 or 65 or 70 feet
7 deep when the San Antonio Water Company acquired it, and
8 they installed a pumping plant and pumped what water they
9 could there, which according to my recollection was 20 or 25
10 inches; and they began deepening the well; the shaft
11 was sunk down to a considerably greater depth than when they
12 purchased, and in the latter part of the year 1899 they put
13 well tools in there, and drilled down to a depth of some-
14 thing like 700 feet I believe, the exact depth of which is
15 in the record in my former testimony; and as to all these
16 wells, the details of the formation, so far as I have any
17 record of them I think has gone into the record, and my
18 detailed knowledge of them I think has already gone in.

19 Q What was done with the Haskell well by the San Antonio
20 Water Company?

21 A The San Antonio Water Company rushed that well in as
22 rapidly as they could in order to get water from it, and in
23 the year 1900 pumped a large volume of water from that well,
24 and I made various measurements, some of which are in the
25 record and some I will put in later; and that water went
26 into their main pipe lines leading towards Ontario, and
27 through the pipe lines was transported to Ontario and
28 consumed for beneficial purposes; and those wells have been
29 pumped, each and all of them, whenever water was required.

I never saw him pumping the water myself, but I know his
a little sketch for a small reservoir that he built at the
plant, and I know that he had pump some water into the
reservoir; whatever water he pumped from that well was used
on the Haskell 20 acres; the extent of that was I know
nothing of; the shaft must have been 50 or 60 or 70 feet
deep when the San Antonio Water Company acquired it, and
they installed a pumping plant and pumped that water into
coulthairs, which according to my recollection was 20 or 25
inches; and they began deepening the well; the shaft
was sunk down to a considerably greater depth than when they
purchased, and in the latter part of the year 1895 they put
well tools in there, and drilled down to a depth of some-
thing like 700 feet I believe, the exact depth of which is
in the record in my former testimony; and as to all these
wells, the details of the formation, so far as I have any
record of them I think has gone into the record, and my
detailed knowledge of them I think has already gone in.
I think was done with the Haskell well by the San Antonio
Water Company?

A. The San Antonio Water Company leased that well in 1895
exactly as they would in order to get water for it, and in
the year 1900 pumped a large volume of water from that well,
and I made various measurements, some of which are in the
record and some I will put in later; and that water went
into their main pipe lines leading towards Ontario, and
through the pipe lines was transported to Ontario and
consumed for beneficial purposes; and those wells have been
pumped, each and all of them, whenever water was required.

1 Pumping plants are installed at the present time at each
2 of them, and it is only necessary to throw a switch to
3 start the pumping plants as they are equipped with electri-
4 cal appliances and are quickly put in commission.

5 Q Is that all of the 16th street wells?

6 A That covers them from 1 to 8 inclusive.

7 Q Now, with reference to the 130 inches of water purchas-
8 ed from Stowell and the Cucamonga Fruit Land Company, - when
9 were you first acquainted with the developments there - of
10 the Stowell well?

11 A I had very little to do with the waters of the Stowell
12 tunnel in the early part of 1899; the first waters that I
13 recollect of as going to Ontario were that 30 inches that were
14 rented or leased.

15 Q When was that?

16 A It has been given by others in the record; I have not
17 a record of the date; I remember it was taken through a
18 metal pipe line which Mr Stowell constructed to Upland ,
19 and delivered through that line.

20 Q Do you know anything about the disposition of any other
21 waters that were produced by that well?

22 A Well, I knew something of the transactions leading up to
23 the purchase of that 130 inches; and while they went outside
24 for a disinterested opinion as to the water rights and so
25 forth, in July 1899, I made a survey for the pipe line
26 which is shown on this Exhibit E and designated 22 inch
27 pipe line, which leads - the survey I made was for a pipe
28 line through the Ontario Colony lands, taking the water
29 from the sand-box known as the Stowell box just north of

1. The first part of the paper discusses the importance of the research and the objectives of the study. It also provides a brief overview of the methodology used in the study.

2. The second part of the paper presents the results of the study. It includes a detailed description of the data collected and the analysis performed. The results are presented in a clear and concise manner, using tables and figures where appropriate.

3. The third part of the paper discusses the implications of the findings. It explores the potential applications of the research and the limitations of the study. It also provides suggestions for future research.

4. The final part of the paper is a conclusion. It summarizes the main findings of the study and reiterates the importance of the research. It also provides a final statement on the significance of the study.

1 10th street on the east line of the Ontario Colony lands.
2 In July , 1900 I made a survey for that line and construc-
3 ted the line as rapidly as possible.

4 Q Previous to that had you made an examination of the
5 wells to ascertain the amount of water they were produc-
6 ing or would produce?

7 A No; I made no measurement of the wells; I have no re-
8 collection and have been unable to find any record of
9 measurements made by me of the wells; if I have them I have
10 overlooked them.

11 Q Were you at the wells? Did you see them?

12 A I have been at the wells repeatedly in one way or ano-
13 ther.

14 Q Prior to the construction of the pipe line, prior to
15 the purchase by the San Antonio Water Company did you exam-
16 ine them?

17 Q I did not examine them at the request of the San An-
18 tonio Water Company.

19 Q I don't care whose request you examined them at; I want
20 to know whether you examined them; that is all.

21 A I was there at the wells and made some study of them
22 and knew of the Stowell well and its record, and took occa-
23 sion to go there to see the well and I saw the develop-
24 ments at the time.

25 Q What did you observe at that time with regard to them?

26 Mr Britt: May I inquire if this question is directed to
27 the wells which discharged into the tunnel?

28 Mr McKinley: Yes, the first wells from which the 130
29 inches were obtained or claimed to be obtained, and

1888 started on the east line of the Ontario Ontario line.
In July, 1888 I made a survey of the line and section-

and the line was found to be correct.

The position of the line was found to be correct and the
value of the line was found to be correct.

The line was found to be correct.

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1 purchased from the Cucamonga Fruit Land Company.

2 Mr Britt: Which were the subject of a deed by the Cucamonga Fruit Land Company and Stowell?

3 Mr McKinley: Yes, sir.

4
5 My observation was that the Radie tunnel had passed off
6 the 90-acre tract, and into a small tract of about 2 1/2
7 acres, which had a special designation - or two acre tract -
8 and the '96 well and some others were located in that tract,
9 and some others were located in that tract, and they had a
10 large amount of difficulty in reaching those wells with the
11 tunnel; I know the '96 well was discharged through a siphon
12 for some little distance, down to another shaft, and down
13 into that shaft and on through the tunnel.

14 Q When was it you saw that being done?

15 A Well, noticed that at various times from the time the
16 '96 well had made a record and had attracted attention;
17 well, continuously; I was over there occasionally, and know
18 the water was put to some beneficial use; and the San Antonio Water Company acquired some of it in 1898 I think,
19 and the well was siphoned and the waters used from it; I
20 passed through the tunnel from time to time at different
21 times; I kept no record of those times, because I did not go
22 there specially for that purpose. I observed that in passing
23 through the country there; I cannot give you any record
24 measurements at all; it is only my knowledge and recollection
25 of what I saw, without making any special trip for the
26 acquirement of any special and detailed record measurements.
27
28

29 Mr Britt: The witness speaks of a well being siphoned and

61
62

Q he calls that the '96 well?

A Yes, sir; the '96 well.

Q Mr Britt, is that the same well as a well which is called a Stowell well?

A I think it is; yes, sir; Stowell put down several, but there was one that made a phenomenal record, and the one referred to as the '96 well or Stowell well.

Q Mr McKinley, which well was the siphon inserted in?

A It is numbered on this map as 11; also "1896" is written opposite it; it is one of three wells right close together.

Q Is that the well which is called number 4 on Plaintiffs' Exhibit 1?

A Yes, sir; on Plaintiffs' Exhibit 1, the well I refer to as the '96 well is marked well number 4, 1896, elevation 1395, and it is the same well that I have been referring to and appears on Defendants' Exhibit E as number 11.

Q Are you able to fix the time when you first saw water coming from that well?

A I couldn't do that; it was in 1898, or prior to 1898 that I saw water there but I have no figures.

Q And how much at that time?

A I don't know that either; there was a siphon there with a gate in the siphon, and at times they did not allow it to run; there were times when I saw no water running there; that is my impression and my recollection.

Q Now, from that time on have you observed the production of that well?

A I have not observed the production of that well independent from the other and adjacent supplies which are

1 mingled with it and make the flow of water from the Eddie
2 tunnel; there has been very little opportunity to observe
3 individual wells in that section; records have been kept
4 of the total output.

5 Q Then you have nothing more particular to say of that
6 well, other than in your measurements given or to be given?

7 A I have no record of individual measurements made of that
8 well, or of any other particular well there; I have meas-
9 urements of the output of that tunnel, dating back, at
10 various times, to 1899.

11 Q Now, with reference to the developments of the Ontario
12 Power Company,- when did you first become acquainted with
13 those developments there, well number 14 and the extension
14 of the Eddie tunnel?

15 A The original work of the Ontario Power Company, and the
16 work of the Ontario Power Company performed after the ac-
17 quirement of the stock of that company by the San Antonio
18 Water Company I have very little knowledge of, until the
19 year 1903; the acquirement of that property and the early
20 improvement of it was during a period of time that I had no
21 official connection with the San Antonio Water Company; I
22 have some measurements in 1903 and later.

23 Q Well, give the history of that from 1903 on as you ob-
24 served it, leaving out your measurements which I will call
25 for later all together, if there is anything of importance
26 to state in relation to it?

27 A I don't believe I have any detail that would be of value
28 in this case, in 1903, as to the development of that prop-
29 erty; I do know that improvements were going on in the

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1 lining of the tunnel. The shaft known as the cement shaft
2 close to the point where the tunnel passes off of the 90-acre
3 tract and known in the record here as shaft in which well B
4 is located, I put in a long list of measurements myself
5 made in that shaft, of the waters flowing through that weir
6 on to the 90-acre tract; that shaft was concreted and a
7 measuring weir was put in; the tunnel from there south to
8 the line of the 90-acre tract was piped and improvements in
9 the nature of piping were done above; I know that work was
10 done; I observed it at times when I was there, that some of
11 that work was being done, but I did not observe the detail
12 of it, because I had nothing to do with it at all.

13 Q Have you measurements of the water there at the Red
14 Hill other than those you have put in?

15 A Yes, sir; I have a great many measurements that are not
16 in the record.

17 Q Will you produce first the measurements prior to 1900, of
18 the measurements at Cucamonga and around the Red Hill.

19 A Prior to 1900 I have the following measurements: they
20 are measurements of Cucamonga water passing through the
21 Stowell measuring box into the pipe line of the San Antonio
22 Water Company, and represent waters of the Hadie tunnel that
23 were on their way into the Ontario distributing system.

24 Q Now, you mean the San Antonio Water Company's distri-
25 buting system when you say Ontario distributing system?

26 A Well, that is what I intended to say; it was careless-
27 ness on my part; it is the San Antonio Water Company's pipe
28 lines that I refer to. August 26th, 1899, 117 inches.

29 The measurements I am about to read were made over the weir

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1 in the Stowell measuring box; that box I have referred to
2 and located as being north of 10th street and at the east
3 line of the Colony lands; it is known as the Stowell meas-
4 uring box.

5 Q About how far distant from the mouth of the
6 tunnel?

7 A I measured it here on the map a while ago, and I esti-
8 mated it at 2800 or 2900 feet; that is approximate, how-
9 ever; a little over a half a mile west of the mouth of the
10 tunnel.

11 Q Where did those waters come from?

12 A They came out of the Radie tunnel, and were the waters
13 that the San Antonio Water Company acquired from Stowell
14 and others, from that Red Hill source.

15 Q From what developments did they necessarily come?

16 A They came from the developments north of the 90-acre
17 tract.

18 Q What developments were there at that time?

19 A At that time there was the Stowell well - there was
20 the '96 well, and one or two other wells or shafts; and the
21 water that accreted to the tunnel from the formation
22 in which the tunnel penetrated in and near those wells.

23 Q Do you mean north or west of the 90-acre tract?

24 A Well, it is north and west, probably would be a more
25 definite location; the wells are numbered and located on
26 both plaintiffs' and Defendants' Exhibits. There was a
27 bunch of wells there.

28 Q Now, you can go on and give the other measurements at
29 that point, and the dates and so on, and if any additional

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2 the London Convention of the British people, the
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development is added before the measurement, include that so we will understand just what we are getting.

I kept no record of the progress of the developments made by Mr Stowell; the only thing I was watching was to see whether the San Antonio Water Company got its 130 inches of water; these measurements were made for the purpose of ascertaining that.

On August 29th I measured at the same place 123.66 inches

On September 6th, 1899 I measured 120.33 inches.

On January 1st, 1900, I measured 138.25 inches.

On February 11th, 1900, I measured 115.45 inches.

On March 5th, 1900, I measured 94.60 inches

And these measurements were all taken at this Stowell measuring box.

Now you have some other measurements there, have you?

That brings it up and into the year 1900; in the year 1900 I have a considerable number of measurements.

Will you give those?

In the year 1900 I have measurements made at a number of points in and about the Red Hill, and I have a tabulation of them here with the head-lines as follows: "Later measurements of the Cucamonga Red Hill District for the year 1900, by F. L. Trask. This tabulation shows eight columns: the first is the date when the measurements were taken; the second is headed "Maskell wells"; that means opposite given dates the Maskell wells were measured, and shows the amount in miners' inches; the third column is well number 3; that refers to the 16th street well number 3 as shown on the exhibits, and the measurements are in

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inches, and are for the dates opposite which they are given.
 The fourth column is tunnel number 2 or the Radio tunnel.
 In this column I have recorded at times the sum of the wa-
 ters going to Ontario and Cucamonga, respectively; other
 measurements do not include the Cucamonga water; where the
 water is Ontario water only I have placed a star (*)
 after the measurement, the number of inches, and at the bot-
 tom of the tabulation I have marked "Cucamonga water not
 included". In other words, that star indicates definitely
 that the water measured as shown by that measurement was
 Ontario water only. Column number 5 is the Y tunnel weir
 and the measurement is given in inches opposite the date
 when it was taken; the Y tunnel weir was ~~wa~~ weir right
 at the mouth of the Y tunnel. Column 6 is Y tunnel divis-
 ion box; the weir in the Y tunnel division box not only
 measured the Y tunnel waters, the waters measured over the
 first weir, but measured the waters that came in from the
 cienega between the mouth of the Y tunnel and the point of
 measurement in the division box, a distance of between 2000
 and 2500 feet. Column number 7 is headed Lone Star Tunnel,
 and the figures represent the number of inches of water
 opposite the dates that were flowing from the Lone Star
 tunnel over this measuring weir. The eighth column repre-
 sents the Creek Division Box; it is water was what is known
 as the Big Springs, down near the hotel or winery, and has
 been referred to as creek division box, or 30-inch cement
 pipe line.

That is the water that the plaintiffs refer to in their
 complaint as the Cucamonga Springs as I understand it?

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SUPERIOR COURT

1 A That is my understanding of it.

2 Q Now, this tunnel number 2, shown here as the Eadie tunnel
3 includes all waters coming from the 90-acre tract , and all
4 waters coming from Stowell's developments adjacent thereto?

5 A In so far as I was able to ascertain on the particular
6 dates those measurements were made that is correct.

7 Q That was made at the mouth of the tunnel?

8 A Yes, sir; the weir was at the mouth of the tunnel.

9 Q And included the waters going to the San Antonio Water
10 Company and the Cucamonga Water Company both?

11 A Not always; wherever those measurements are followed by
12 a star (*) next to the number of inches specified there was
13 no Cucamonga water included; it was water going to Ontario
14 exclusively.

15 Q And where there is no star did it include the Cucamonga
16 water?

17 A It did include the Cucamonga water.

18 Q Now, I notice that the Y tunnel division box included
19 all the waters that went over the Y tunnel weir did it?

20 A Yes, sir.

21 Q I notice there are larger amounts than the Y tunnel weir:
22 What other waters would go into that?

23 A For some five or six hundred or a thousand feet, beginning
24 at the mouth of the tunnel, and extended down the pipe line,
25 there was a cienega formation that supplied some water; at
26 different points that was taken into that pipe line; I don't
27 know the detail of its pick-up or the taking of it in; I do
28 know that the pipe line discharged more water in the creek
29 division box than the tunnel discharged over the weir at the

1. The first point to be made is that the evidence is not sufficient to establish that the defendant is guilty of the crime charged. The evidence is circumstantial and does not directly prove the crime.

1 mouth of the tunnel.

2 Q What sort of a line of pipe was that?

3 A Well, I think it is a cement pipe line; that is, where
4 I have observed it; that is in the box.

5 Q There was no connection with any other development?

6 A Well, there was one or two openings, I know now; I have
7 traveled over there since the country has dried out; there
8 may have been one or two openings where the water might have
9 been turned in, and there might have been other methods of
10 gathering water between those points; I am not familiar
11 with the details of the construction of that line.

12 Mr McKinley: We offer this tabulation in evidence.

13 A I will ask that as these are going to be copied into the
14 record that they be returned to me, and not have them
15 filed as exhibits; I have done this to expedite matters;. .
16 I have a mass of figures and I have tabulated them for that
17 purpose.

18 Mr. Britt: That is satisfactory to us if they will be cop-
19 ied into the record by the reporter.

20 Said tabulation is admitted in evidence and is here
21 extended into the record as follows:
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mouth of the tunnel.

That sort of a line of pipe was used.

Well, I think it is a common pipe line; that is, there

I have observed it; that is in the box.

There was no connection with any other development.

Well, there was not in two openings, I know now; I have

traveled over there since the property was sold and there

may have been one or two openings where the water came

down through in, and there might have been other openings at

different water between these points; I am not familiar

with the details of the construction of that line.

Well; as other data available in evidence.

I will not say that at those the water was carried into the

reservoir; probably he returned to me, and not have that

filled an exhibit; I have done this in several matters;

I have a mass of figures and I have submitted them for that

purpose.

Mr. Atty: That is satisfactory to me if they will be rep-

ted into the record by the reporter.

This relation is admitted in evidence and is now

entered into the record as follows:

WATER MEASUREMENTS OF THE CUCAMONGA RED HILL DISTRICT

for the year 1903 --- By F.E. Trask.

Date	Mankell Wells	Well #3	Tunnel #2	Y. Tun. Weir	Y. Tun. Div. Box	Lone Star	Ck. Div. Box
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Jan. 12				54.75			
Feb. 1				55.1	77.7		
Feb. 4			126.	54.5	77.2	17.06	97.05
" 11	122.70		128.45				
" 17	108.50			52.6	71.6	16.20	89.3
Mar. 5	118.20		94.60				
" 12	132.30		87.50	48.77	71.10	68.1 P	79.05
Apr. 1	118.		94.15				
" 3 & 6	117.3	39.51	129.25		64.25	56. P	72.90
" 6				45.45			
May 7 & 8	120.90	53.65	105.55		63.70	56.95P	
Jun 5	99.10	50.	996.85		71.75	29.84P	73.50
July 3	101.65	81.50	78.45		72.65	57.70P	55.00
" 25			140.90				
Aug. 7		111.15	159.35		50.30		63.90
" 31	110.70	99.10	99.90		70.85	57.70P	54.80
Oct. 9	54.65	83.35	148.65		63.50		54.30

1903

June 23

71.2"

64.8

60.8

Ø - Cucamonga water not included.

1 Now, are there some other measurements there? State what
2 you have there?

3 I have here on this sheet, tabulated by own personal
4 measurements of Cucamonga tunnel number 2 output or the
5 Eddie tunnel. The measurements on this sheet are those
6 that I made personally during the years 1904 up to the
7 present time, inclusive, and they begin with August 8th, 1904
8 and show the amount of water going over the Ontario Weir and
9 the amount going over the Cucamonga Weir, and the total for
10 each day on which the measurements were made; there are four
11 columns, the first being the date, the second the Ontario
12 Supply, the third the Cucamonga supply, and the fourth the
13 total, and I wish to add that as regards those measurements
14 for the first two or three years, that the amount going to
15 Ontario, when compared to the amount of water flowing on to
16 the ninety-acre tract through the weir known as weir B, the
17 record of which I have heretofore put in to court, it will be
18 seen that the amount going to Ontario, to the San Antonio
19 Water Company and the Ontario Power Company at different
20 times does not agree with the amount going on to the 90-
21 acre tract from the lands owned by the Ontario Power Com-
22 pany, and from the sources of supply of the San Antonio Wa-
23 ter Company north of the Ontario tract; that is to say they
24 are larger than the amounts sent to Ontario; in other words
25 Cucamonga was getting more water than it was entitled to,
26 according to this record, and there was some dispute as to
27 the method of division.

28 Mr Stevens, what years do those cover?

29 I would have to compare it with the original table to see

1 the exact dates, but it was the first two or three years.

2 Q I mean the whole tabulation.

3 A I said in my original statement in regard to it, that it
4 was from August 4th to the present time.

5 Q Mr. McKinley, Q Did it go to Cucamonga? A part of it?

6 A Yes, sir.

7 Q How did it go?

8 A Underground through a pipe line.

9 Q What Company - the Cucamonga Water Company?

10 A The manager of the Cucamonga Water Company was the man
11 that I met there, and he seemed to be in charge of the water
12 and took possession of it.

13 Q It went to the Cucamonga Water Company?

14 A It went to the Cucamonga Water Company; that was my under-
15 standing of it.

16 (Reading) August 8th 1904, Ontario 152.68; Cucamonga,
17 77.78; total 230.46; that means the total amount of water
18 flowing from the 90-acre tract and -

19 Q Do you mean coming out of the Radie Tunnel or tunnel
20 number 2?

21 A And the ~~the~~ total amount of water coming from the
22 Radie tunnel and going to Ontario Colony, and to the Cucamonga
23 Colony, or the San Antonio Water Company and the Cucamonga
24 Water Company, respectively. And in like manner for each
25 date I have given the measurements.

26 Q Those waters included the waters of the Ontario Power
27 Company from its developments?

28 A The waters from the Stowell developments.

29 Q And the waters from any portion of the Radie tunnel?

1 The first thing I noticed when I stepped out of the plane was
2 the fresh air. It was a relief after the stuffy cabin.
3 I walked to the terminal and saw a sign that said "Arrivals".
4 I followed the sign and saw a man waiting for me.
5 He was wearing a suit and tie and had a friendly smile.
6 He introduced himself as Mr. Smith and said he was my contact.
7 We walked to a car and he showed me to the back seat.
8 The car was a dark sedan and it felt like I was in a limo.
9 We drove to a house and he showed me to the front door.
10 The house was a two-story brick building with a large porch.
11 He showed me to a room and said I could stay there for a few days.
12 He then showed me to the kitchen and said I could make myself at home.
13 He then showed me to the living room and said I could relax there.
14 He then showed me to the bathroom and said I could use it whenever I wanted.
15 He then showed me to the garage and said I could use it for my car.
16 He then showed me to the pool and said I could use it whenever I wanted.
17 He then showed me to the garden and said I could use it whenever I wanted.
18 He then showed me to the driveway and said I could use it for my car.
19 He then showed me to the front door and said I could use it whenever I wanted.
20 He then showed me to the back door and said I could use it whenever I wanted.

1 A Yes, or any wells along the Radio tunnel. These meas-
2 urements I have segregated into two parts; but I have made no
3 effort to segregate the water of the San Antonio Water Com-
4 pany from the water of the Ontario Power Company at any
5 time.

6 Q That is really not answering my question; it includes
7 all the water from all the developments that I named didn't
8 it?

9 A Yes, sir.

10 Mr McKinley: We offer in evidence this tabulation with
11 the same understanding that the reporter copy it into the
12 record, and that it be returned to us.

13 Said tabulation is admitted in evidence and is here
14 extended into the record as follows:
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1. The first part of the report deals with the general situation of the country and the progress of the work of the Commission. It is divided into two main sections: the first section deals with the general situation and the second section deals with the progress of the work of the Commission.

2. The second part of the report deals with the specific work of the Commission. It is divided into three main sections: the first section deals with the work of the Commission in the field of education, the second section deals with the work of the Commission in the field of science and culture, and the third section deals with the work of the Commission in the field of social and economic development.

3. The third part of the report deals with the conclusions and recommendations of the Commission. It is divided into two main sections: the first section deals with the conclusions of the Commission and the second section deals with the recommendations of the Commission.

4. The fourth part of the report deals with the annexes. It is divided into three main sections: the first section deals with the annexes to the report, the second section deals with the annexes to the conclusions and recommendations, and the third section deals with the annexes to the specific work of the Commission.

5. The fifth part of the report deals with the bibliography. It is divided into two main sections: the first section deals with the bibliography of the report and the second section deals with the bibliography of the conclusions and recommendations.

6. The sixth part of the report deals with the index. It is divided into two main sections: the first section deals with the index of the report and the second section deals with the index of the conclusions and recommendations.

7. The seventh part of the report deals with the list of abbreviations. It is divided into two main sections: the first section deals with the list of abbreviations of the report and the second section deals with the list of abbreviations of the conclusions and recommendations.

8. The eighth part of the report deals with the list of symbols. It is divided into two main sections: the first section deals with the list of symbols of the report and the second section deals with the list of symbols of the conclusions and recommendations.

9. The ninth part of the report deals with the list of tables. It is divided into two main sections: the first section deals with the list of tables of the report and the second section deals with the list of tables of the conclusions and recommendations.

10. The tenth part of the report deals with the list of figures. It is divided into two main sections: the first section deals with the list of figures of the report and the second section deals with the list of figures of the conclusions and recommendations.

11. The eleventh part of the report deals with the list of maps. It is divided into two main sections: the first section deals with the list of maps of the report and the second section deals with the list of maps of the conclusions and recommendations.

12. The twelfth part of the report deals with the list of photographs. It is divided into two main sections: the first section deals with the list of photographs of the report and the second section deals with the list of photographs of the conclusions and recommendations.

13. The thirteenth part of the report deals with the list of documents. It is divided into two main sections: the first section deals with the list of documents of the report and the second section deals with the list of documents of the conclusions and recommendations.

14. The fourteenth part of the report deals with the list of references. It is divided into two main sections: the first section deals with the list of references of the report and the second section deals with the list of references of the conclusions and recommendations.

15. The fifteenth part of the report deals with the list of sources. It is divided into two main sections: the first section deals with the list of sources of the report and the second section deals with the list of sources of the conclusions and recommendations.

16. The sixteenth part of the report deals with the list of footnotes. It is divided into two main sections: the first section deals with the list of footnotes of the report and the second section deals with the list of footnotes of the conclusions and recommendations.

17. The seventeenth part of the report deals with the list of appendices. It is divided into two main sections: the first section deals with the list of appendices of the report and the second section deals with the list of appendices of the conclusions and recommendations.

18. The eighteenth part of the report deals with the list of annexes. It is divided into two main sections: the first section deals with the list of annexes of the report and the second section deals with the list of annexes of the conclusions and recommendations.

19. The nineteenth part of the report deals with the list of references. It is divided into two main sections: the first section deals with the list of references of the report and the second section deals with the list of references of the conclusions and recommendations.

20. The twentieth part of the report deals with the list of sources. It is divided into two main sections: the first section deals with the list of sources of the report and the second section deals with the list of sources of the conclusions and recommendations.

CUCA ONCA TUNNEL

#2 OUTPUT

By F.D. TRASK

Date	Ontario	Cuca.	Total.
<u>1904</u>			
Aug. 8	152.68"	77.78"	230.46"
" 27	144.	74.12	218.12
Sept. 3	138.19	75.95	214.14
Oct. 4	135.05	60.95	196.
" 8	133.40	60.10	193.50
" 13	132.55	60.52	192.87
" 29	128.25	58.40	186.65
Nov. 19	118.02	60.52	178.54
Dec. 3	116.55	58.40	174.95
<u>1905</u>			
Jan. 7	110.99	60.52	170.61
Feb. 13	124.70	80.57	205.27
July 29	139.10	95.72	238.02
Aug. 5	146.45	87.67	234.12
Sept. 23	126.41	65.24	191.65
Oct. 7	122.89	58.40	181.29
Nov. 11	111.90	59.85	171.75
Dec. 2	126.96	67.97	194.93
" 29	133.01	71.22	204.23
<u>1906</u>			
Jan. 20	133.01	71.22	204.23
Feb. 14	142.73	70.35	212.08
Mar. 19	144.93	75.80	224.73
Apr. 16	160.34	78.90	239.24
May 19	156.53	83.56	240.11
June 16	150.83	83.56	240.11
July 18	157.81	84.23	242.04
Aug. 10	161.65	86.30	247.95
Sept. 15	161.65	86.30	247.95
Oct. 12	161.65	86.30	247.95
Nov. 9	159.08	84.91	243.99
Dec. 22	161.65	86.30	247.95
<u>1907</u>			
Jan. 24	160.34	85.60	245.94
Feb. 2	30.45	15.82	46.27
Mar. 2	33.83	20.36	59.19
Apr. 16	47.90	25.26	73.16
" 27	19.74	52.72	72.46
May 6	110.78	59.17	169.95
" 18	100.86	97.55	264.41
June 1	146.52	100.09	254.61.

NAME	RESIDENCE	AGE	SEX
J. B. Smith	New York	45	Male
M. J. Jones	New York	38	Male
A. C. Brown	New York	52	Male
E. D. White	New York	60	Male
S. L. Green	New York	40	Male

1 Date Ontario Cuca. Total.

3 1907.

4 June 14 147.70" 108.81" 256.51
 5 July 18 150.06 110.41 260.47
 6 Aug. 17 148.08 109.64 258.52
 7 " 30 156.01 101.06 257.07
 8 Sept. 19 186.01 101.06 287.07
 9 Oct. 5 181.29 99.01 286.30
 10 " 21 178.65 97.40 276.05
 11 " 31 12.07 41.75 53.82
 12 Nov. 14 13.07 41.75 54.82
 13 " 26 137.01 49.72 207.53
 14 Dec. 4 155.27 48.97 204.24
 15 " 14 107.81 77.76 235.57

11 1908.

12 Jan. 9 154.02 78.92 229.94
 13 Feb. 19 72.64 28.01 100.65
 14 " 29 75.00 29.58 104.68
 15 Mar. 10 80.68 31.30 111.98
 16 " 30 61.07 45.77 106.84
 17 " 30 110.98 81.21 192.19
 18 Apr. 13 92.46 73.09 172.55
 19 " 27 82.15 60.47 142.62
 20 May 11 103.40 94.95 198.35
 21 " 27 96.73 93.21 190.14
 22 June 6 102.36 94.20 196.56
 23 " 20 205.87 111.89 317.76
 24 July 2 211.68 107.66 311.34
 25 " 17 193.48 105.29 298.77
 26 " 26 188.01 102.41 290.42
 27 Aug. 7 190.71 103.83 294.54
 28 " 29 222.90 120.92 343.90
 29 Sept. 5 221.31 120.02 341.33
 30 Oct. 6 222.35 111.14 319.62
 31 " 19 222.98 130.92 343.80
 32 " 23 227.14 91.41 318.55
 33 Nov. 22 249.81 94.03 333.89
 34 Dec. 6 252.12 130.47 382.59
 35 " 26 48.67 40.67 97.34

24 1909.

25 Jan. 10 51.15 51.15 102.30
 26 " 29 54.22 54.22 108.44

SUPERIOR COURT

1 At the time these measurements were taken was there a
2 gate for controlling the flow of water from the Macie tunnel?
3 A There was during the latter part of the period.

4 Q In what way was it controlled?

5 A It was controlled by the construction of a bulkhead in
6 the Cucaonga tunnel. That bulkhead was constructed in
7 1907.

8 Q At about what time was it completed so that the water
9 was under control?

10 A Well, it was closed January 29th, 1907.

11 Q The waters from all these developments, as I understand
12 it came in by gravity, and a connection is made with the
13 tunnel, with the Stowell well, and the Ontario Power Com-
14 pany development, so that the water is run in by gravity
15 and can only be controlled by the fact that there is a bulk-
16 head?

17 A That is correct.

18 Q Have you other measurements there?

19 A Yes, sir.

20 Q State what that is?

21 A I believe at the request of plaintiffs I have put in
22 the record my personal measurements of water pumped from the
23 16th street wells, in so far as I had those measurements
24 at the date we were in court before in this same case; and
25 I have here a tabulation headed "Measurement of pumped
26 water, wells north of 16th street, continued, by F. E. Trask"

27 Q That is since the former hearing of this case? Since
28 the adjournment?

29 A These measurements cover the period since the adjourn-

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ment of the case, and bring the record down to date; the first column gives the date; the second column is a record of the number of inches pumped on the date opposite at well number 1; the third column is for the same purpose for well number 2; the fourth column for well number 3; the fifth column for well number 4; the sixth column for well number 8; the seventh column contains remarks relative to pumping operations; that simply covers the facts of the starting and stopping of the pumps and completes the record and is an essential part of the record.

Q. Was there no pumping in 1906?

A. There was none.

Mr. McKinley: We offer this tabulation, with the same understanding that the reporter shall copy it into the record and return it to us.

Said tabulation is admitted in evidence, and is here extended into the record as follows:

STATEMENT OF PUMPED WATER - WELLS NORTH OF 16TH ST.

Continued.

By E. E. Trask.

Date	#1	#2	#3	#4	#5	Remarks
						#3 started at 7 A.M. 9/5/07
						#1 started at 6 A.M. 9/7/07
Sept. 19	57.67		71.44	69.30	#4	" at 7.55 A.M. 9/17/07
" 20	60.32		61.50	64.53		
Oct. 12	62.37		64.70	70.41		
" 17	67.50		69.00	70.40		
						10/19/07 all pumps stopped
" 21				70.40	#3	pumping about 1 hr.
Dec. 4	64.32		79.91	79.19		Started pumps
" 14	65.10			72.00		All pumps ceased from 12/20/07 to Jan. 9/08
1908.						(Wells #1 & #4 pumped (on average of 8 days in Jan. 08) - #1 at (rate of 60" & #4 - (85"
Jan.						
" 6				63.70	#3	pumped 9 days - 12 hrs. each da.
June 13	63.70		64.33			#1 & #3 began pump- ing 6/16
July 17	64.70		65.00			
" 17	70.45		70.40	70.10		#3 pumped 10 days - 14 hrs. each da.
" 22	61.51		62.81	73.64		#4 pumped 19 days in July

SUPERIOR COURT

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 54. fifty-fourth of these is the fact that the

MEASUREMENTS OF PUMPED WATER - WELLS NORTH OF 16th ST.

Continued.

By F. E. Trask.

Date.	#1	#2	#3	#4	#8	Remarks.
Aug. 7	60.85		56.50	74.40	50.95	
" 29	55.21	93.75	48.20	73.64		#2 pumped 6 days in Aug.
Sept. 6	43.40	81.89	34.76	62.30		(pumps #1 to #4 inc (lost average of 2 (days each this mo.
Oct. 6		81.43	79.01	90.44		
" 19			53.19			#3 closed down at 2 P.M.
Sept. 20			43.00			#1 pumped 2 1/2 days - #3 10 days #4 1 day in Oct. #2 x - 4 days.
1900						
Nov. 22	55.01	79.91	76.70	90.37	57.99	#1 pumped 10 days - #2-11 da. (#3 & #4 - 29 days
						#1 to #4 inc. pumped (2 days in Dec. 1900
1909						
Jan. 10		87.14		83.09		#1 pumped 2 1/2 days - #2 & #3 10 days (and #4 3 days in (Jan. 1909.

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1 My first measurement is June 30, 1906 and was 27.00
2 inches; the next date I was there was July 13, 1906, and
3 I have recorded the words "not pumping," and in this way I
4 have made a record of the measurements made at that well and
5 tabulated them. the first column gives the date, and the
6 second column gives the amount of miners' inches, except at
7 some special dates where there was no pumping, and then I have
8 made a memorandum of that fact; and on May 11th, 1908, I have
9 a note here that I measured the depth to water from the sur-
10 face of the ground and found said depth to be 30.3 feet.

11 Q You did take that measure out.

12 A That is a record of actual observation; these are my
13 personal observations that I am putting into the record at
14 this time. I wish to add - I don't know whether it is repeti-
15 tion or not, - that in all the measurements I refer to a min-
16 ers' inch, which is one-fiftieth part of a cubic foot per
17 second.

18 The Court, Q You mean that is the particular miners' inch
19 that you have referred to?

20 A Yes, sir; the equivalent of it.

21 Q Mr. McKinley, do the figures with the decimal represent
22 the number of miners' inches?

23 A The number of miners' inches.

24 Q Mr. Haskell, was the pump in operation when you took the
25 depth of water in that well?

26 A If the well was pumped I showed the amount of water
27 pumped and if it was not I showed that; but I don't think
28 I could get the depth to the water if the well was being
29 pumped, owing to the method of construction.

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1 Q Do you know how long that well had not been pumpin
2 when you took that measurement; it is marked not pumping.

3 A The last record I have shows that on December 14th
4 I found the well was pumping; and the volume was 15.42 inches.
5 The record of May 11th, 1908 there was no pumping and I
6 don't know how long the well had been closed down; I have
7 no record intermediate.

8 Q You have no other knowledge except what is shown there?

9 A This is the extent of my knowledge and record of the
10 operations of the well.

11 Q Mr McKinley, that is what year?

12 A May 11, 1908.

13 Q That refers to December 1907 and May 11, 1908?

14 A Yes, sir; December 14th 1907 was when I found the well
15 pumping last preceding.

16 Q Do you remember with reference to that winter, what the
17 character of the winter was between those dates?

18 A Well, there was some rain in May and earlier.

19 Q Have you the evidence of the rainfall here now?

20 A Yes, sir.

21 Mr McKinley: Well, we will first introduce the tabulation
22 which you have just explained, with the same understanding
23 that it be copied into the record by the reporter and be
24 returned to us.

25 Said tabulation is admitted in evidence and is here ex-
26 tended into the record as follows:

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BUCAJONGA WATER CO.

Well #1.

Pump installed in '06.
Electric Power from D. P. Co.

June 30th, 06	27.06"	
July 10th, 06	.....		not pumping
" 27th 06	.....		" "
Aug. 15th, 06	.....	24.42"	
Sept. 1 06	.....	21.37"	
" 15 06	.....	19.75"	
" 29 06	.....	18.06"	
Oct. 12 06	.....	29.39"	
" 26 06	.....	29.00"	
Nov? 9 06	.....	29.00"	
" 24 06	.....	27.82"	
Dec. 7 06	.....		not pumping.
June 20 07	.....	33.00"	
July 10 07	.....	29.39"	
" 30 07	.....	29.00"	
Aug. 17 07	.....	29.39"	
" 30 07	.....	29.00"	
Sept. 19 07	.....	25.72"	
" 28 07	.....	25.16"	
Oct. 12 07	.....	25.16"	
" 17 07	.....	18.06"	
" 21 07	.....	14.77"	
Dec. 4 07	.....		Not pumping
" 14 07	15.42"	
May 11 08	Not pumping depth to water 95.2' - 21. -		
July 2 08		

SUPERIOR COURT

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IN RE: THE ESTATE OF JAMES H. HARRIS

July 17 0825.54"
" 28 0825.16"
Aug. 7 0821.52"
" 29 0821.52"
Sept. 5 0824.04"
Oct. 6 0820.45"
" 19 1 28 08 Not pumping
Nov. 22 0823.89"

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96. The ninety-sixth part of the report
97. The ninety-seventh part of the report
98. The ninety-eighth part of the report
99. The ninety-ninth part of the report
100. The hundredth part of the report

SUPERIOR COURT

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Q Now, give the rainfall.

A I have in my possession a printed card which has the following title "Record of rainfall at 22nd Street, Ontario Colony from 1891 to 1902, as kept by A. F. Harwood "

Now, in this printed and tabulated statement of rainfall -
Mr Britt: The table of rainfall that has already been introduced into the record is the San Bernardino rainfall; and it might be confusing unless the whole table referred to by the witness were put in.

A I will state that I submitted this card and the data I have with it to Mr Wright, and he checked it through and found one or two little clerical errors, and those were corrected, and this brings the Harwood record from the season of '91-'92, down to the present time, and is tabulated by months, so that we have the monthly record for each month of each year, with the total for each year.

Mr Britt: I think we ought to object to putting in the record of rainfall from another locality different from that which has already gone in, unless it is deemed necessary to render clearer something that is not clear in the evidence heretofore; the object of the introduction of the rainfall record is that comparisons may be made as between different years, and that should be in the same locality, certainly; the rainfall table we had here before was the San Bernardino table; and I believe it is somewhat notorious, at least well known in this part of the country, that the rainfall is heavier at Ontario than it is at San Bernardino, and heavier than it is further west still.

and that the same is the case with the

following table of results of the survey, Ontario

being the only one in which the results are

not given in detail, but only in general terms.

The table of results of the survey of the

results of the survey of the results of the

and the results of the survey of the results of the

of the results of the survey of the results of the

1. I will state that I received the results of the

2. The results of the survey of the results of the

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1 If we could have the rainfall of San Bernardino for the last
2 year or two that we hadn't before,--

3 The Court: It strikes me that we ought to have everything.,
4 The San Bernardino record down to date, and the nearest
5 possible records to the site of this litigation.

6 Mr. McKinley: We will procure the San Bernardino record.

7 Mr. Britt: We have no objection to all of them.

8 A This is complete, from the season of 1891-92 to the
9 present time, independent of any other record. I want to
10 make an explanation in the record, and that is, that I
11 have the original record not shown in the tabulation,
12 and I have continued the record personally, and I have had
13 Mr. Wright check it over so that we could agree on any
14 little clerical matters. Mr. Wright has had them in his
15 possession.

16 Q You are satisfied as to the authenticity of this?

17 A Yes; thoroughly. And I want to add further that this
18 record is right in the particular basin where we are dis-
19 cussing the water problem. And after putting down the
20 tabulation I have put the mean for the seventeen seasons
21 which it covers, and then I have made a comparison with
22 the San Bernardino record, brought down to date, which I
23 understand is to be introduced here, after this tabula-
24 tion is printed--

25 Q I suppose these are your deductions, and counsel would
26 not care to have them in. We will put in simply the copy
27 of the record and let the Reporter copy that into the
28 record.

29 Mr. Haskell: Is that a comparison made with the San

It is really true that the world is not a perfect place, but it is a good place. It is a place where we can find happiness and peace. We can find happiness in the simple things of life, in the love of our family and friends, in the beauty of nature. We can find peace in the quiet moments of our lives, in the stillness of the night, in the calm of the sea. We can find happiness and peace in the knowledge that we are all part of a great plan, a plan that is perfect and good. We can find happiness and peace in the love of God, in the love of our neighbor, in the love of ourselves. We can find happiness and peace in the knowledge that we are all part of a great plan, a plan that is perfect and good. We can find happiness and peace in the love of God, in the love of our neighbor, in the love of ourselves. We can find happiness and peace in the knowledge that we are all part of a great plan, a plan that is perfect and good.

1 Bernardino record from 1900-1901 down, or does it include
2 the entire number of yours given by the San Bernardino rec-
3 ord from 1870?

4 Mr. McKinley: I am not going to put in the comparison. Mr
5 Trask has some figures, but I am not proposing to put that
6 in. I am only offering the record.

7 Mr. Haskell: I thought you were offering the other.

8 Mr. McKinley: No, sir; I asked the Reporter to copy
9 the part printed and the part in ink, and to omit these
10 pencil memorandums of Mr. Trask. We may put that in later,
11 but I don't care to force it on counsel now without
12 their considering it.

13
14 The following is a copy of the record offered:

RECORD OF RAINFALL

At 22nd Street, Ontario Colony

From 1891 to 1908, as kept by A. F. Harwood.

Elevation 1700'

Year.	July.	August.	September.	October.	November.	December.	January.	February.	March.	April.	May.	June.	Year.	Rainfall For Season.
91	.00	.00	.00	.00	.00	2.70	2.55	2.90	5.97	.50	3.23	.67	1892	19.00
92	.00	.00	.00	.12	2.96	3.67	9.50	3.61	12.52	.77	.90	.00	1893	33.23
93	.60	.00	.00	1.21	1.42	5.00	1.21	1.57	1.42	.28	.28	.00	1894	13.47
94	.00	.34	.38	.00	.00	8.60	9.03	2.32	4.75	1.40	.65	.00	1895	27.87
95	.00	.00	.00	.00	1.40	1.40	2.33	.00	5.25	.70	.93	.00	1896	12.51
96	.04	.60	.00	3.32	.95	1.60	5.25	7.82	5.85	.00	.67	.00	1897	25.52
97	.00	.00	.00	3.41	.40	.45	2.70	1.11	1.55	.30	2.60	.00	1898	12.50
98	.06	.00	.00	.25	.12	.35	2.09	.63	2.51	.19	.06	.90	1899	5.15
99	.00	.00	.05	1.75	1.70	1.05	1.75	.19	1.93	1.65	2.77	.00	1900	13.16
00	.00	.00	.64	.30	8.17	.00	5.35	5.10	.71	.75	1.50	.00	1901	23.55
01	.00	.00	.00	2.59	.75	.00	1.55	2.92	5.00	.29	.13	.05	1902	14.10
02	.00	.00	.00	.41	2.00	2.54	3.10	2.10	9.45	4.00	.63	.00	1903	24.23
03	.00	.00	.42	.00	.00	.00	.39	4.20	6.20	1.82	.30	.00	1904	12.47
04				.95		1.09	4.30	8.82	11.17	.85	3.34		1905	30.72
05				.17	2.96	.90	3.80	3.00	14.05	2.42	2.65		1906	30.01
06					.73	9.10	9.71	3.19	7.32	.65			1907	30.70
07				2.14	.22	1.11	7.20	4.55	1.50	1.32	.60		1908	18.24
08				1.80	1.00	.36	1.27	11.03	7.04					

1 Q Have you someother measurements, Mr. Trask?

2 A I believe so. This sheet contains a copy of my personal
3 measurements made over Cucamonga weirs for the years 1904 up to
4 December, 1907, and the balance I will have to read from my
5 records, or bring them down to date from my records. This tabu-
6 lation has a heading "Cucamonga Weir Records, by F. E. Trask".
7 The first column gives the date. The second column gives
8 water measured over weir #5 of the Cucamonga Water Company,
9 which is the amount of water taken from the Lone Star tun-
10 nel. Column 3 gives the record of water measured at weir
11 #6, Cucamonga Water Company. The waters measured over the
12 weir were the waters pumped out of Lone Star tunnel No. 2
13 and rose to the surface of the ground at some point inter-
14 mediate between its heading and its mouth, and there are
15 only a few of those measurements, and the amounts mentioned
16 should be added to the water measured over Weir #7, the
17 record of which is shown in column no. 4. Weir #7 records
18 the total output of the Lone Star tunnel no. 2, and the weir
19 is located near the center of section 3 on Hollman Avenue.
20 Column 5 is a record of waters over Cucamonga weir no. 8
21 which has been referred to heretofore as the Creek Division
22 Box Weir at the mouth of the 30-inch pipe line. The next
23 column I will ask to have the figures omitted. It is weir
24 #K and I have just put them in there. They are simply dup-
25 licates. I will cross them off with pencil because they
26 are in the record already. It is simply an error of my
27 type-writer. So that there are 5 columns on this tabula-
28 tion.

29 You explained what each of these weirs was, I believe.

I have for several years been a member of the
I believe in the fact that the
and the reason I will give is that
on the other hand is the fact of the
I am a member of the
The first reason given for this is that
the second reason given for this is that
the third reason given for this is that
the fourth reason given for this is that
the fifth reason given for this is that
the sixth reason given for this is that
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the ninth reason given for this is that
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the twenty-second reason given for this is that
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the twenty-fourth reason given for this is that
the twenty-fifth reason given for this is that
the twenty-sixth reason given for this is that
the twenty-seventh reason given for this is that
the twenty-eighth reason given for this is that
the twenty-ninth reason given for this is that
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the thirty-first reason given for this is that
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the thirty-third reason given for this is that
the thirty-fourth reason given for this is that
the thirty-fifth reason given for this is that
the thirty-sixth reason given for this is that
the thirty-seventh reason given for this is that
the thirty-eighth reason given for this is that
the thirty-ninth reason given for this is that
the fortieth reason given for this is that
the forty-first reason given for this is that
the forty-second reason given for this is that
the forty-third reason given for this is that
the forty-fourth reason given for this is that
the forty-fifth reason given for this is that
the forty-sixth reason given for this is that
the forty-seventh reason given for this is that
the forty-eighth reason given for this is that
the forty-ninth reason given for this is that
the fiftieth reason given for this is that
the fifty-first reason given for this is that
the fifty-second reason given for this is that
the fifty-third reason given for this is that
the fifty-fourth reason given for this is that
the fifty-fifth reason given for this is that
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the sixty-first reason given for this is that
the sixty-second reason given for this is that
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the seventy-eighth reason given for this is that
the seventy-ninth reason given for this is that
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the ninetieth reason given for this is that
the ninety-first reason given for this is that
the ninety-second reason given for this is that
the ninety-third reason given for this is that
the ninety-fourth reason given for this is that
the ninety-fifth reason given for this is that
the ninety-sixth reason given for this is that
the ninety-seventh reason given for this is that
the ninety-eighth reason given for this is that
the ninety-ninth reason given for this is that
the hundredth reason given for this is that

SUPERIOR COURT

1 My attention was distracted.

2 You stated what each of these were, didn't you?

3 A I gave the name and the description of them which is

4 coincident with the description which went in before.

5 Mr. Haskell: The heading should be Cucamonga Weirs instead

6 of weir, shouldn't it.

7 Mr. McKinley: "Cucamonga Weir Record."

8 Mr. Haskell: You say there are several weirs recorded.

9 The heading should be plural.

10 Mr. McKinley: I will have the witness explain the meaning

11 of that heading.

12 A The headline is "Cucamonga Weir Records." The next

13 line gives the numbers of the weirs at which measurements

14 were made, and I have taken each column and specified

15 what weir that number applied to. Following thereafter

16 are the records made and the dates set down in column 1.

17 Mr. Haskell: And you have already testified where each of

18 those weirs are located?

19 A I don't recollect whether I put all of them in or not.

20 I think I have.

21 Mr. McKinley: State what the weirs are. I will save

22 time that way.

23 A Weir #5 represents the water measured over a weir, said

24 water flowing from the Lone Star tunnel no. 1. The location

25 of the box in which that weir can be found is shown on

26 defendants' exhibit "1" in section 34 at a point about

27 100 feet north of Base Line and immediately north of the

28 northwest corner of the 30 -acre tract as designated on

29 this plat, and the box location is marked by a square in

[illegible]

1 ink with the words "Lone Star Weir" in sand box no. 5.

2 Weir No. 6 is on the 35-acre tract near its southeast
3 corner and is right at the margin of Hellman Avenue. It
4 is represented by a square and a line representing tunnel
5 no. 2, and the words "Star Weir No. 6" written opposite it.

6 Weir No. 7 is located on Hellman Avenue in section 3 right
7 by the side of a box in which the Old Settlers measure their
8 water, and the designation is put opposite the weir "Star
9 Weir No. 7."

10 The Court: Q Do the weir numbers on your tabulation cor-
11 respond with the numbers on the map?

12 A Yes; I have read the correct numbers on the exhibit
13 here, and they are the same as those in the columns I
14 have been describing.

15 The Court: Q What exhibit is that?

16 A Exhibit "A" of defendants. Weir No. 8 is shown on
17 Defendants' Exhibit "A" in the southeast corner of section
18 4, township 1, South, Range 7 West, approximately 100 feet
19 west of the east line of said section and about 400 feet
20 north of the San Bernardino county road.

21 Mr. McKinley: We will offer this in evidence.

22 The following is a copy of said tabulation:
23
24
25
26
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101 with the words "I am not here" is not in it.

102 This is the only one of the three that is not in it.

103 coming out in the middle of the middle of the middle.

104 is the only one of the three that is not in it.

105 not in it, and the words "I am not here" is not in it.

106 This is the only one of the three that is not in it.

107 by the way of a fact in which the only one of the three

108 words, and the words "I am not here" is not in it.

109 But not in it, and the words "I am not here" is not in it.

110 The following is the only one of the three that is not in it.

111 coming with the words "I am not here" is not in it.

112 is not in it, and the words "I am not here" is not in it.

113 here, and the words "I am not here" is not in it.

114 have been made.

115 The words "I am not here" is not in it.

116 is not in it, and the words "I am not here" is not in it.

117 The words "I am not here" is not in it.

118 is not in it, and the words "I am not here" is not in it.

119 west of the east line of the section and line of the

120 north of the east line of the section and line of the

121 the following is a copy of said section:

122 is not in it, and the words "I am not here" is not in it.

123 is not in it, and the words "I am not here" is not in it.

124 is not in it, and the words "I am not here" is not in it.

125 is not in it, and the words "I am not here" is not in it.

126 is not in it, and the words "I am not here" is not in it.

127 is not in it, and the words "I am not here" is not in it.

128 is not in it, and the words "I am not here" is not in it.

WISCONSIN WELL RECORDS- By F. E. Trank.

Date.

#5

#6

#7

#8

1904.

July 9

~~43.22~~

96.36"

7.2"

Aug. 8

43.29

35.36

Sept. 13

39.08

65.90

Oct. 4

38.60

57.60

4.6

Oct. 8

38.60

57.28

Oct. 13

37.13

42.04

13.31

" 29

36.05

55.35

3.35

Nov. 19

33.40

40.33

11.20

Dec. 13

32.61

41.36

9.93

" 17

36.05

50.95

" 24

29.53

50.95

1905

Jan. 7

28.76

2.10

2.74

Aug. 3

37.69

64.20

7.00

Sept. 23

40.16

53.45

5.90

" 30

31.32

48.80

5.20

Oct. 7

32.30

48.48

5.10

" 14

31.37

46.03

6.70

1906

July 18

44.26

12.50

Sept. 13

36.75

13.20

Oct. 12

32.30

Nov. 9

32.30

26.30

11.60

" 24

35.25

27.30

13.60

Dec. 7

34.05

Date

#5

#6

#7

#8

1907

Date	#5	#6	#7	#8
Mar. 2	.70			
" 31	.32			
Apr. 18	.50			
" 27	17.30			40.88
May 5	17.30		24.07	42.18
" 18	49.53		62.33	40.58
June 1	50.78		60.35	26.40
" 14	49.07		54.72	28.70
" 11	52.12		58.59	25.68
" 30	51.12		58.59	21.96
Aug. 17			44.85	32.57
" 30			37.04	29.73
Sept. 28	64.71		42.50	29.70
Oct. 12			42.50	27.62
" 17			45.49	32.55
Nov. 26			65.90	37.84

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Witness: I have the San Bernardino card brought down to date.

Mr. Mackell: That has gone in already.

Mr. Britt: we have no objection to this.

Mr. McKinley: I offer this in evidence, and it is admitted that it is my go in, the card showing the San Bernardino rainfall, L. L. Johnson Observer, by months, down to and including February, 1909.

The following is a copy of said record.

Date		Description		Amount
		To Balance		100.00
1890	Jan 1	By Cash	50.00	150.00
		To Cash	25.00	175.00
1891	Jan 1	By Cash	75.00	250.00
		To Cash	50.00	300.00
1892	Jan 1	By Cash	100.00	400.00
		To Cash	75.00	475.00
1893	Jan 1	By Cash	125.00	600.00
		To Cash	100.00	700.00
1894	Jan 1	By Cash	150.00	850.00
		To Cash	125.00	975.00
1895	Jan 1	By Cash	175.00	1150.00
		To Cash	150.00	1300.00
1896	Jan 1	By Cash	200.00	1500.00
		To Cash	175.00	1675.00
1897	Jan 1	By Cash	225.00	1900.00
		To Cash	200.00	2100.00
1898	Jan 1	By Cash	250.00	2350.00
		To Cash	225.00	2575.00
1899	Jan 1	By Cash	275.00	2850.00
		To Cash	250.00	3100.00
1900	Jan 1	By Cash	300.00	3400.00
		To Cash	275.00	3675.00
1901	Jan 1	By Cash	325.00	3900.00
		To Cash	300.00	4200.00
1902	Jan 1	By Cash	350.00	4550.00
		To Cash	325.00	4875.00
1903	Jan 1	By Cash	375.00	5250.00
		To Cash	350.00	5600.00
1904	Jan 1	By Cash	400.00	6000.00
		To Cash	375.00	6375.00
1905	Jan 1	By Cash	425.00	6800.00
		To Cash	400.00	7200.00
1906	Jan 1	By Cash	450.00	7650.00
		To Cash	425.00	8075.00
1907	Jan 1	By Cash	475.00	8550.00
		To Cash	450.00	8900.00
1908	Jan 1	By Cash	500.00	9400.00
		To Cash	475.00	9875.00
1909	Jan 1	By Cash	525.00	10400.00
		To Cash	500.00	10900.00
1910	Jan 1	By Cash	550.00	11450.00
		To Cash	525.00	11975.00
1911	Jan 1	By Cash	575.00	12550.00
		To Cash	550.00	13100.00
1912	Jan 1	By Cash	600.00	13700.00
		To Cash	575.00	14275.00
1913	Jan 1	By Cash	625.00	14900.00
		To Cash	600.00	15500.00
1914	Jan 1	By Cash	650.00	16150.00
		To Cash	625.00	16775.00
1915	Jan 1	By Cash	675.00	17450.00
		To Cash	650.00	18100.00
1916	Jan 1	By Cash	700.00	18800.00
		To Cash	675.00	19475.00
1917	Jan 1	By Cash	725.00	20200.00
		To Cash	700.00	20900.00
1918	Jan 1	By Cash	750.00	21650.00
		To Cash	725.00	22375.00
1919	Jan 1	By Cash	775.00	23150.00
		To Cash	750.00	23900.00
1920	Jan 1	By Cash	800.00	24700.00
		To Cash	775.00	25475.00
1921	Jan 1	By Cash	825.00	26300.00
		To Cash	800.00	27100.00
1922	Jan 1	By Cash	850.00	27950.00
		To Cash	825.00	28775.00
1923	Jan 1	By Cash	875.00	29650.00
		To Cash	850.00	30500.00
1924	Jan 1	By Cash	900.00	31400.00
		To Cash	875.00	32275.00
1925	Jan 1	By Cash	925.00	33200.00
		To Cash	900.00	34100.00
1926	Jan 1	By Cash	950.00	35050.00
		To Cash	925.00	35975.00
1927	Jan 1	By Cash	975.00	36950.00
		To Cash	950.00	37900.00
1928	Jan 1	By Cash	1000.00	38900.00
		To Cash	975.00	39875.00
1929	Jan 1	By Cash	1025.00	40900.00
		To Cash	1000.00	41900.00
1930	Jan 1	By Cash	1050.00	42950.00
		To Cash	1025.00	43975.00
1931	Jan 1	By Cash	1075.00	44050.00
		To Cash	1050.00	45100.00
1932	Jan 1	By Cash	1100.00	46200.00
		To Cash	1075.00	47275.00
1933	Jan 1	By Cash	1125.00	48400.00
		To Cash	1100.00	49500.00
1934	Jan 1	By Cash	1150.00	50650.00
		To Cash	1125.00	51775.00
1935	Jan 1	By Cash	1175.00	52900.00
		To Cash	1150.00	54050.00
1936	Jan 1	By Cash	1200.00	55250.00
		To Cash	1175.00	56425.00
1937	Jan 1	By Cash	1225.00	57650.00
		To Cash	1200.00	58850.00
1938	Jan 1	By Cash	1250.00	60100.00
		To Cash	1225.00	61325.00
1939	Jan 1	By Cash	1275.00	62600.00
		To Cash	1250.00	63850.00
1940	Jan 1	By Cash	1300.00	65150.00
		To Cash	1275.00	66425.00
1941	Jan 1	By Cash	1325.00	67750.00
		To Cash	1300.00	69050.00
1942	Jan 1	By Cash	1350.00	70400.00
		To Cash	1325.00	71725.00
1943	Jan 1	By Cash	1375.00	73100.00
		To Cash	1350.00	74450.00
1944	Jan 1	By Cash	1400.00	75850.00
		To Cash	1375.00	77225.00
1945	Jan 1	By Cash	1425.00	78650.00
		To Cash	1400.00	80050.00
1946	Jan 1	By Cash	1450.00	81500.00
		To Cash	1425.00	82925.00
1947	Jan 1	By Cash	1475.00	84400.00
		To Cash	1450.00	85850.00
1948	Jan 1	By Cash	1500.00	87350.00
		To Cash	1475.00	88825.00
1949	Jan 1	By Cash	1525.00	90350.00
		To Cash	1500.00	91850.00
1950	Jan 1	By Cash	1550.00	93400.00
		To Cash	1525.00	94925.00
1951	Jan 1	By Cash	1575.00	96500.00
		To Cash	1550.00	98050.00
1952	Jan 1	By Cash	1600.00	99650.00
		To Cash	1575.00	101225.00
1953	Jan 1	By Cash	1625.00	102850.00
		To Cash	1600.00	103950.00
1954	Jan 1	By Cash	1650.00	105600.00
		To Cash	1625.00	107225.00
1955	Jan 1	By Cash	1675.00	108900.00
		To Cash	1650.00	110550.00
1956	Jan 1	By Cash	1700.00	112250.00
		To Cash	1675.00	113925.00
1957	Jan 1	By Cash	1725.00	115650.00
		To Cash	1700.00	117350.00
1958	Jan 1	By Cash	1750.00	119100.00
		To Cash	1725.00	120825.00
1959	Jan 1	By Cash	1775.00	122600.00
		To Cash	1750.00	124350.00
1960	Jan 1	By Cash	1800.00	126150.00
		To Cash	1775.00	127925.00
1961	Jan 1	By Cash	1825.00	129750.00
		To Cash	1800.00	131550.00
1962	Jan 1	By Cash	1850.00	133400.00
		To Cash	1825.00	135225.00
1963	Jan 1	By Cash	1875.00	137100.00
		To Cash	1850.00	138950.00
1964	Jan 1	By Cash	1900.00	140850.00
		To Cash	1875.00	142725.00
1965	Jan 1	By Cash	1925.00	144650.00
		To Cash	1900.00	146550.00
1966	Jan 1	By Cash	1950.00	148500.00
		To Cash	1925.00	149425.00
1967	Jan 1	By Cash	1975.00	151400.00
		To Cash	1950.00	152350.00
1968	Jan 1	By Cash	2000.00	154350.00
		To Cash	1975.00	155325.00
1969	Jan 1	By Cash	2025.00	157350.00
		To Cash	2000.00	158350.00
1970	Jan 1	By Cash	2050.00	160400.00
		To Cash	2025.00	161425.00
1971	Jan 1	By Cash	2075.00	163500.00
		To Cash	2050.00	164550.00
1972	Jan 1	By Cash	2100.00	166650.00
		To Cash	2075.00	167725.00
1973	Jan 1	By Cash	2125.00	169800.00
		To Cash	2100.00	170900.00
1974	Jan 1	By Cash	2150.00	173050.00
		To Cash	2125.00	174175.00
1975	Jan 1	By Cash	2175.00	176350.00
		To Cash	2150.00	177500.00
1976	Jan 1	By Cash	2200.00	179700.00
		To Cash	2175.00	180875.00
1977	Jan 1	By Cash	2225.00	183100.00
		To Cash	2200.00	184300.00
1978	Jan 1	By Cash	2250.00	186550.00
		To Cash	2225.00	187775.00
1979	Jan 1	By Cash	2275.00	190100.00
		To Cash	2250.00	191450.00
1980	Jan 1	By Cash	2300.00	193750.00
		To Cash	2275.00	194725.00
1981	Jan 1	By Cash	2325.00	197100.00
		To Cash	2300.00	199000.00
1982	Jan 1	By Cash	2350.00	201450.00
		To Cash	2325.00	202775.00
1983	Jan 1	By Cash	2375.00	205150.00
		To Cash	2350.00	206500.00
1984	Jan 1	By Cash	2400.00	209900.00
		To Cash	2375.00	211275.00
1985	Jan 1	By Cash	2425.00	214700.00
		To Cash	2400.00	216100.00
1986	Jan 1	By Cash	2450.00	219550.00
		To Cash	2425.00	221525.00
1987	Jan 1	By Cash	2475.00	224000.00
		To Cash	2450.00	226450.00
1988	Jan 1	By Cash	2500.00	228950.00
		To Cash	2475.00	230925.00
1989	Jan 1	By Cash	2525.00	233450.00
		To Cash	2500.00	235950.00
1990	Jan 1	By Cash	2550.00	238500.00
		To Cash	2525.00	241025.00
1991	Jan 1	By Cash	2575.00	244100.00
		To Cash	2550.00	246550.00
1992	Jan 1	By Cash	2600.00	249150.00
		To Cash	2575.00	251125.00
1993	Jan 1	By Cash	2625.00	253750.00
		To Cash	2600.00	255350.00
1994	Jan 1	By Cash	2650.00	258000.00
		To Cash	2625.00	260925.00
1995	Jan 1	By Cash	2675.00	263650.00
		To Cash	2650.00	266300.00
1996	Jan 1	By Cash	2700.00	270050.00
		To Cash	2675.00	272725.00
1997	Jan 1	By Cash	2725.00	275500.00
		To Cash	2700.00	278200.00
1998	Jan 1	By Cash	2750.00	280950.00
		To Cash	2725.00	283675.00
1999	Jan 1	By Cash	2775.00	286450.00
		To Cash	2750.00	291200.00
2000	Jan 1	By Cash	2800.00	294000.00
		To Cash	2775.00	296775.00
2001	Jan 1	By Cash	2825.00	300600.00
		To Cash	2800.00	303400.00
2002	Jan 1	By Cash	2850.00	307250.00
		To Cash	2825.00	310075.00
2003	Jan 1	By Cash	2875.00	313950.00
		To Cash	2850.00	316800.00
2004	Jan 1	By Cash	2900.00	320700.00
		To Cash	2875.00	323575.00
2005	Jan 1	By Cash	2925.00	327500.00
		To Cash	2900.00	330400.00
2006	Jan 1	By Cash	2950.00	334350.00
		To Cash	2925.00	337325.00
2007	Jan 1	By Cash	2975.00	340300.00
		To Cash	2950.00	343250.00
2008	Jan 1	By Cash	3000.00	347250.00
		To Cash	2975.00	350225.00
2009	Jan 1	By Cash	3025.00	353250.00
		To Cash	3000.00	356250.00
2010	Jan 1	By Cash	3050.00	359300.00
		To Cash	3025.00	362325.00
2011	Jan 1	By Cash	3075.00	365400.00
		To Cash	3050.00	368450.00
2012	Jan 1	By Cash	3100.00	37

SEASONAL RAINFALL

FOR

SAN BERNARDINO, CALIFORNIA

Elevation 1054 feet above sea level.

Latitude 34° 06' 05''

Longitude 117° 17' 30''

SIDNEY P. WAITE, Observer
1870 to 1891

DR. A. K. JOHNSON, Observer
1891 to 190

SEASONS	July	August	September	October	November	December	January	February	March	April	May	June	TOTAL
1870-71	.00	.00	.02	.09	3.11	.89	6.91	2.21	.19	.34	.11	.07	13.94
1871-72	.00	.04	.13	.60	.88	3.91	.00	2.20	.37	.79	.06	.00	8.98
1872-73	.00	.18	.04	.00	1.17	4.40	6.50	1.25	.51	.84	.21	.00	15.10
1873-74	.00	1.06	.02	.01	.74	5.73	5.51	8.76	1.08	.48	.42	.00	23.81
1874-75	.00	.00	.06	1.82	1.88	2.20	7.20	.15	.22	.07	.05	.00	13.65
1875-76	.00	.00	.00	.00	7.50	.02	6.55	1.92	3.41	.44	.03	.03	19.90
1876-77	.00	.00	.00	.20	.40	.00	3.50	4.03	.83	.26	.30	.00	9.52
1877-78	.00	.00	.00	.86	.50	3.95	3.33	6.68	2.57	1.71	.66	.07	20.33
1878-79	.07	.00	.02	.14	.05	4.70	3.59	1.00	.50	1.20	.24	.03	11.54
1879-80	.11	.02	.01	.94	3.40	6.50	1.56	1.33	1.45	5.00	.04	.00	20.36
1880-81	.00	.00	.00	.14	.67	8.80	1.40	.36	1.66	.46	.01	.00	13.50
1881-82	.00	.00	.00	.80	.27	.50	*1.11	2.65	3.30	2.91	.00	.00	11.54
1882-83	.00	.00	.00	.10	.15	.45	1.60	1.10	2.82	2.95	.00	.00	9.17
1883-84	.19	.00	.53	.85	.09	2.63	1.63	12.20	9.95	5.68	3.17	.59	37.51
1884-85	.00	.00	.00	.00	.11	3.75	2.79	.11	.28	1.89	1.69	.19	10.81
1885-86	.00	.00	.00	.39	4.36	1.20	6.34	2.52	4.18	2.36	.32	.16	21.83
1886-87	.00	.00	.00	.00	.11	.61	.39	6.44	4.41	1.90	.42	.22	14.50
1887-88	.11	.04	.09	1.17	2.29	1.91	4.01	3.60	3.41	.58	.52	.03	17.76
1888-89	.00	.00	.00	.05	4.12	4.64	.93	1.50	6.55	2.05	1.13	.00	20.97
1889-90	.17	.63	.11	2.30	2.23	10.85	5.44	2.52	.89	.00	.31	.00	25.45
1890-91	.13	2.16	.88	.58	1.27	3.02	.00	7.78	.06	.53	1.67	.00	18.08
1891-92	.00	.91	.93	T	T	1.67	3.24	3.30	1.75	.37	2.10	.08	14.35
1892-93	.00	.00	.00	.16	1.02	2.23	4.53	3.37	8.00	.48	.03	.00	19.82
1893-94	.20	.00	.05	1.05	.30	2.28	1.26	.88	1.15	.40	.56	.00	8.13
1894-95	.00	.16	.37	.15	.00	7.25	7.39	1.14	3.44	.64	.44	.00	20.98
1895-96	.00	.00	.00	.00	1.14	.66	2.02	.00	2.92	.37	1.00	.00	8.11
1896-97	T.	.17	.00	2.10	.98	1.09	3.40	5.40	3.41	.08	.11	.00	16.74
1897-98	T.	.00	.13	2.10	.21	.57	2.10	.60	.97	.48	1.08	.00	8.24
1898-99	.00	.00	.00	.03	.05	.44	2.03	.51	3.22	.07	.19	.95	7.49
1899-00	.00	T.	.01	.81	1.47	.84	.92	.00	.92	1.96	1.71	.00	8.64
1900-01	.34	.00	.23	.36	6.10	.00	3.48	4.58	.43	.56	1.23	.05	17.36
1901-02	.00	.27	.07	1.09	.28	.04	1.65	3.02	3.89	.57	.12	.15	11.15
1902-03	.01	.00	.00	.09	1.94	1.94	1.96	1.67	6.47	3.10	.24	.00	17.42
1903-04	.00	.15	.46	.07	.00	.00	.18	2.21	5.34	.80	.16	.00	9.37
1904-05	.00	.14	.06	.32	.00	1.03	3.92	6.58	6.00	1.18	1.55	.00	20.78
1905-06	.00	.00	.13	.00	2.81	.74	2.97	2.89	8.00	1.16	.96	.22	19.88
1906-07	.00	.00	.05	.01	2.42	7.12	6.33	2.14	4.58	.16	.11	.25	23.17
1907-08	.00	.00	.00	2.75	.10	.97	4.71	4.20	2.43	.17	.31	.02	11.62

(*) 12 inches snow Jan. 12, 1882

1898-99 .05 .05 .11 .15 .26 .66 .40 3.76

Average Seasonal Rainfall for 38 years 15.93

SEASONAL RAINFALL

FOR
SAN BERNARDINO COUNTY



Source: U.S. Weather Bureau, San Bernardino County, California

Q Have you any other rainfall records?

A Yes, sir.

Q What have you got?

A I have a statement of the daily rainfall upon which the card is based for a part of the time. That is, for the seasons of 1901 and (2 down to the present time. I have the daily rainfall.

Mr. Britt: Is that really worth the space that it would take up?

Mr. McKinley: This can be used as an exhibit. It has some bearing on the case.

A It has some bearing. I will introduce a chart based on it.

Mr. McKinley: We will have this put in and just marked as an exhibit. We won't have it copied.

EXHIBIT J.

Q Have you some more measurements, Mr. Trask?

A I have here a tabulation headed "Sunset Tunnel & Wells--Cucamonga, Cal." I have at the head of this some statements as to what I found-- some water measurements and some water elevations, with the dates, and then I have tabulated, beginning with 1905, down to the present time. I have tabulated water measurements made by me in the years 1905, '6, '7 and '8.

Q Where were these measurements taken?

A These measurements were taken over a weir some five or six hundred feet south of the wells of the Sunset Water Company.

1. The first of these is the fact that the

2. The second is the fact that the

3. The third is the fact that the

4. The fourth is the fact that the

5. The fifth is the fact that the

6. The sixth is the fact that the

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24. The twenty-fourth is the fact that the

25. The twenty-fifth is the fact that the

26. The twenty-sixth is the fact that the

27. The twenty-seventh is the fact that the

1 Q Includes the water of both wells?

2 A Yes, sir; whenever such water was being turned into
3 the line.

4 Q Were they being pumped at the time you took the meas-
5 urements?

6 A All waters that are measured here are pumped waters,
7 sometimes one well going and sometimes both.

8 Q Have you some observations there as to the conditions?

9 A I have made no observation as to whether one or both
10 were running. Whenever the water was 30 inches or less,
11 only one pump was running; whenever it was 30 inches or
12 more, both pumps were running.

13 Q Can you tell which well it was that was running?

14 A There is no record of which one was running. There
15 are two columns in this exhibit, one giving the date
16 and the other the number of inches, with an occasional
17 explanatory statement as to whether the wells were being
18 pumped or not.

19 Q This statement at the top, Nov. 12, 1904, "pumped
20 steadily since May 10, 1904", what is the meaning of that?

21 A That records a statement made to me by the engineer.
22 It is simply a foot note that I made in my book. I believe
23 that is the date of the first actual measurement I made ~~of~~
24 of the waters flowing over the weir at the outlet of their
25 tunnel.

26 Mr. Britt: Mr. Trask, the statement here "Volume of
27 water pumped Nov. 12, 1904, 25.45 inches, Nov. 19, 1904,
28 25.54, are those measurements made by yourself, or reports
29 made to you by some other person?

1. The first of the three...
2. The second of the three...
3. The third of the three...
4. The fourth of the three...
5. The fifth of the three...
6. The sixth of the three...
7. The seventh of the three...
8. The eighth of the three...
9. The ninth of the three...
10. The tenth of the three...
11. The eleventh of the three...
12. The twelfth of the three...
13. The thirteenth of the three...
14. The fourteenth of the three...
15. The fifteenth of the three...
16. The sixteenth of the three...
17. The seventeenth of the three...
18. The eighteenth of the three...
19. The nineteenth of the three...
20. The twentieth of the three...
21. The twenty-first of the three...
22. The twenty-second of the three...
23. The twenty-third of the three...
24. The twenty-fourth of the three...
25. The twenty-fifth of the three...
26. The twenty-sixth of the three...
27. The twenty-seventh of the three...
28. The twenty-eighth of the three...
29. The twenty-ninth of the three...
30. The thirtieth of the three...

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A All water measurements there are actual measurements made by me. The statement above there was simply a foot note which I got from the man in charge of the plant. But all measurements are my own personal observations.

Mr. Curtis: We object on the part of the Sunset Water Company to that portion which contains the words "May 11 Engineer says water is 91' below surface" and "pumped steadily since May 16, 1904."

Mr. McKinley: We will cut those all off. I will mark in parenthesis what is to be omitted, and you can copy it into the record. I will show it to Mr. Curtis.

The following is a copy of the said tabulation, omitting the words indicated by the statement of Mr. McKinley and the objection of Mr. Curtis:

I am very sorry to hear that you are
not feeling well. I hope you will
soon be back to your usual health.
I am sending you my best wishes.

I am very sorry to hear that you are
not feeling well. I hope you will
soon be back to your usual health.
I am sending you my best wishes.

I am very sorry to hear that you are
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soon be back to your usual health.
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I am very sorry to hear that you are
not feeling well. I hope you will
soon be back to your usual health.
I am sending you my best wishes.

STREET TUNNEL & WELLS--CUCAGONA, CAL.

Volume of water pumped:-

Nov. 12, 1904 25.45"

" 19 " 23.54"

Surface elevation 1390. at well #1

Water " 1273. pump running.

April 20-1905 Water sunset well #1 - } 1300
" " " #2 - }

1905

Aug. 16 54.52"

Sept. 8 51.42"

" 15 49.55"

" 30 51.73"

Oct. 14 52.04"

" 22 51.15"

Nov. 4 49.55"

" 18 52.37"

1906

June 30 47.55"

July 27 44.01"

Aug. 16 45.78"

" 24 47.55"

Sept. 1 44.60"

" 15 52.99"

1. The first part of the report is a general
 introduction to the subject of the study.
 2. The second part is a description of the
 methods used in the study.

3. The third part is a description of the
 results of the study.
 4. The fourth part is a discussion of the
 results of the study.

Table 1		Table 2	
1. 10. 1950	10. 1950	1. 10. 1950	10. 1950
2. 11. 1950	11. 1950	2. 11. 1950	11. 1950
3. 12. 1950	12. 1950	3. 12. 1950	12. 1950
4. 1. 1951	1. 1951	4. 1. 1951	1. 1951
5. 2. 1951	2. 1951	5. 2. 1951	2. 1951
6. 3. 1951	3. 1951	6. 3. 1951	3. 1951
7. 4. 1951	4. 1951	7. 4. 1951	4. 1951
8. 5. 1951	5. 1951	8. 5. 1951	5. 1951
9. 6. 1951	6. 1951	9. 6. 1951	6. 1951
10. 7. 1951	7. 1951	10. 7. 1951	7. 1951
11. 8. 1951	8. 1951	11. 8. 1951	8. 1951
12. 9. 1951	9. 1951	12. 9. 1951	9. 1951

1907

June 14 36.20"

July 30 41.87

Aug. 30 50.86"

Sept. 19 46.96"

" 28 45.54"

Oct. 12 47.55"

" 21 Not pumping

Nov. 26 56.10"

Dec. 4 23.93"

" 14 Not pumping

1908.

May 27 47.55"

June 8 42.94"

" 20 30.60

July 2 51.73"

" 17 41.87"

" 28 56.68"

Aug. 7 50.86"

" 29 36.94"

Sept. 9 36.94"

Oct. 6 36.20"

" 19 & 23 Not pumping

Nov. 22 46.23"

Dec. 6 Not pumping.

1891			1892		
Jan. 1	22	1891	Jan. 1	25	1892
Feb. 1	2	1891	Feb. 1	15	1892
Mar. 1	20	1891	Mar. 1	12	1892
Apr. 1	2	1891	Apr. 1	15	1892
May 1	11	1891	May 1	14	1892
June 1	20	1891	June 1	12	1892
July 1	8	1891	July 1	20	1892
Aug. 1	22	1891	Aug. 1	8	1892
Sept. 1	5	1891	Sept. 1	25	1892
Oct. 1	2	1891	Oct. 1	15	1892
Nov. 1	2	1891	Nov. 1	15	1892
Dec. 1	2	1891	Dec. 1	15	1892

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31

Q Have you some more measurements?

A I have here a tabulation with the headline "Well No. 33" Sourwine Well." I will state that this is the well now owned by the Upland Water Company. There are three columns on this tabulation: The first is Date. The second gives pumped water in miners inches, and the third gives water elevations. This tabulation contains all the records of water elevations, and water measurements that I have of that well.

Q Made by you?

A Yes, sir.

Mr. McInley: This tabulation ~~XXXXX XXX XXX~~ is offered with the same understanding.

The following is a copy of said tabulation:

1. The first part of the report is a summary of the work done during the year.

2. It is then followed by a description of the work done during the year, and a list of the results obtained.

3. The next part of the report is a description of the work done during the year, and a list of the results obtained.

4. This is followed by a description of the work done during the year, and a list of the results obtained.

5. The next part of the report is a description of the work done during the year, and a list of the results obtained.

6. This is followed by a description of the work done during the year, and a list of the results obtained.

7. The next part of the report is a description of the work done during the year, and a list of the results obtained.

8. This is followed by a description of the work done during the year, and a list of the results obtained.

9. The next part of the report is a description of the work done during the year, and a list of the results obtained.

10. This is followed by a description of the work done during the year, and a list of the results obtained.

11. The next part of the report is a description of the work done during the year, and a list of the results obtained.

12. This is followed by a description of the work done during the year, and a list of the results obtained.

13. The next part of the report is a description of the work done during the year, and a list of the results obtained.

The following is a list of the results obtained during the year.

WELL #33

30 HILL WELL

<u>Date</u>	<u>Pumped water</u>	<u>water elevation.</u>
-------------	---------------------	-------------------------

1904

July 9 53.3"

" 30 1353.3

Sept. 10 24.7"

Oct. 15 23.5"

1905

Feb. 25 1347.6

Apr. 29 1349.5

May 20 1350.5

June 27 1351.8

Sept. 30 40.8"

Oct. 28 35.2

1906

Sept. 19 34.3

Dec. 22 1355.9

1907

April 10 1362.7

1908

Jan. 9 1372.3

Apr. 13 1379.6

May 11 1378.9

SUPERIOR COURT

1 Witness: This tabulation bears the headline "Cucamonga
2 Canyon Water."
3 Q What is meant by Cucamonga Canyon water?
4 A These measurements are records of the creek flow, and
5 there are a few records of the tunnel flow.
6 Q Creek flow at what point?
7 A The point of measurement was some little distance north
8 of the Cucamonga ranch. It is up in the mouth of the Can-
9 yon.
10 Q That is the surface flow of Cucamonga Creek?
11 A Yes, sir; at a point above any point where we distrib-
12 uted water in the gravel beds of the creek and probably
13 not over 1000 feet below the point where the Cucamonga Wat-
14 er Company tunnel development is.
15 Q Cucamonga Company?
16 A Ioanosa tunnel development.
17 Q This is below that development?
18 A Yes.
19 Q Are there any other diversions up there?
20 A There is only one diversion. The waters are taken out
21 by the Ioanosa people through a cement pipe line, and these
22 waters include the tunnel waters. In fact, they take all
23 the waters in the tunnel. They take the tunnel water besides
24 the surface water. Sometimes I have used the capital let-
25 ter "T" and that means tunnel; and where I use the letters
26 "Ck" it means creek. All the measurements of the tunnel
27 waters were made in a measuring box near Mr. Sonntag's
28 house some little distance from the canyon on the high bluff.
29 That is where all the official measurements were taken. It

Figure 1. Schematic diagram of the experimental setup.

... and the ...

THE UNIVERSITY OF CHICAGO

• <http://www.pearsoned.com> : Pearson Education, Inc.

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where \mathbf{v} is a vector in \mathbb{R}^n and \mathbf{v}^T is its transpose.

1 is a point where all the surface waters have been measured.
2 And the last measurement on this sheet, Jan. 29, 1909, is
3 water measured at Sixteenth Street. It is made on the same
4 date as the preceding measurement showing a measurement of--

5 Q You don't mean that shows the water in the canyon?

6 A It shows what we didn't put in the gravel bed. I intended
7 to state that they were measurements made in the canyon
8 except the last, which I went on to state.

9 Q That is the measurement of flood water at Sixteenth
10 street?

11 A That is the measurement of flood waters that were not
12 being put into the gravel on that particular date.

13 Q Whereabouts on Sixteenth Street was that measurement
14 taken?

15 A Right near the Rubio house-- the Rubio well.

16 Q Locate it on the map.

17 A In the creek wash, on defendants' exhibit "A", the point
18 of this last measurement on this tabulation would be in the
19 Cucamonga Flood Channel wash and within 100 feet of well
20 no. 6 as shown on said exhibit, and westerly of the Stow-
21 ell wells.

22 Mr. Haskell: Is that last measurement flood waters
23 that have been turned into the creek from the San Antonio
24 Water Company's system? Or is it water that comes from
25 some other source?

26 A I am not talking about the San Antonio Water Company--

27 Mr. McKinley: Answer the question.

28 A This sheet shows the waters measured in the Cucamonga
29

1. The first of these is the fact that the
2. government has been unable to secure
3. the necessary funds to carry out its
4. policy of expansion. This is due to
5. the fact that the government has been
6. unable to secure the necessary funds
7. to carry out its policy of expansion.
8. The second of these is the fact that
9. the government has been unable to
10. secure the necessary funds to carry
11. out its policy of expansion. This is
12. due to the fact that the government
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14. necessary funds to carry out its
15. policy of expansion. The third of
16. these is the fact that the
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19. policy of expansion. This is due to
20. the fact that the government has
21. been unable to secure the necessary
22. funds to carry out its policy of
23. expansion. The fourth of these is
24. the fact that the government has
25. been unable to secure the necessary
26. funds to carry out its policy of
27. expansion. This is due to the fact
28. that the government has been unable
29. to secure the necessary funds to
30. carry out its policy of expansion.
31. The fifth of these is the fact that
32. the government has been unable to
33. secure the necessary funds to carry
34. out its policy of expansion. This is
35. due to the fact that the government
36. has been unable to secure the
37. necessary funds to carry out its
38. policy of expansion. The sixth of
39. these is the fact that the
40. government has been unable to secure
41. the necessary funds to carry out its
42. policy of expansion. This is due to
43. the fact that the government has
44. been unable to secure the necessary
45. funds to carry out its policy of
46. expansion. The seventh of these is
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50. expansion. This is due to the fact
51. that the government has been unable
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53. carry out its policy of expansion.
54. The eighth of these is the fact that
55. the government has been unable to
56. secure the necessary funds to carry
57. out its policy of expansion. This is
58. due to the fact that the government
59. has been unable to secure the
60. necessary funds to carry out its
61. policy of expansion. The ninth of
62. these is the fact that the
63. government has been unable to secure
64. the necessary funds to carry out its
65. policy of expansion. This is due to
66. the fact that the government has
67. been unable to secure the necessary
68. funds to carry out its policy of
69. expansion. The tenth of these is
70. the fact that the government has
71. been unable to secure the necessary
72. funds to carry out its policy of
73. expansion. This is due to the fact
74. that the government has been unable
75. to secure the necessary funds to
76. carry out its policy of expansion.

1 Canyon.

2 Mr. Haskell: That last measurement was taken down at
3 Sixteenth Street?

4 A Yes, sir; in the flood channel of Cucamonga Canyon.

5 Q There is testimony here that the San Antonio Water Com-
6 pany is turning surplus waters into the wash above that
7 point. Which was this measurement, water turned in or water
8 that comes naturally from the mountains above?

9 A This is Cucamonga Canyon water purely.

10 Q Did you follow it up to see?

11 A No; I followed it down.

12 Mr. Britt: I do not understand from any of the testimony
13 here that the water turned in from San Antonio Creek came
14 down the main wash which passes east of the Red Hill.
15 I haven't heard any evidence to that effect.

16 A That is correct, Judge Britt. Those waters have not
17 been brought over to the easternmost channel of Cucamonga
18 wash, but simply to the debris cone in the westerly and
19 center part of it.

20 Q In the westernmost channel of the creek?

21 A Or channels. You had better make that plural. But
22 none of the eastern channels have been supplied with San
23 Antonio water as yet.

24 Mr. McKinley: We expect to get it over there after a while,
25 but we haven't progressed that far.

26 Mr. Britt: If you put in enough and do not take it out in
27 your wells, we will probably not complain.

28 Mr. McKinley: We are trying to put in enough and I think
29 we have.

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1 A I might add further, that wherever these measurements
2 are tunnel measurements, they do not represent flood waters.
3 The other measurements are flood waters from the Cucamonga
4 Canyon.

5 The Court: Q What do you mean? That you measured that
6 after heavy storms?

7 A Some of them were following heavy storms, and all
8 followed the rainfall when the precipitation was such that
9 there was an excess of run-off over the diverted supply to
10 the loamosa people.

11 Mr. Britt: Q It might properly be cross examination,
12 but I would like to ask the witness if these measurements
13 of the creek were all made at the same place except where
14 it is noted that it was at Sixteenth Street.

15 A The point of measurement may have varied three or four
16 hundred feet, owing to the cutting out of the channel
17 from time to time. That is, I used a meter and I had to
18 select some point where I could get a reasonable cross sec-
19 tion.

20 Q It was not measured over a weir?

21 A No; it was a meter measurement, and the point is above
22 the point where effort was made to spread the waters in
23 the gravel, and up into the canyon.

24 Q None of this represents the storm flow?

25 A It does not represent the maximum storm flow because
26 I didn't get out there at such times. But many of those
27 measurements represent storm flows, although not the maximum
28 flow.

29 Q The tunnel mentioned is the Frankish and Starn tunnel?

1. The first of these is the fact that the
2. second of these is the fact that the
3. third of these is the fact that the
4. fourth of these is the fact that the
5. fifth of these is the fact that the
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8. eighth of these is the fact that the
9. ninth of these is the fact that the
10. tenth of these is the fact that the

[Faint, illegible handwritten notes]

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SUPERIOR COURT

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A No, sir, the loamosa tunnel, which is driven into the creek bed of Cucamonga Canyon some 1000 feet above the point where I made my measurements.

Q Where is that tunnel relative to the Frankish and Stamm tunnel?

A It would be northeast, I should say, half or three quarters of a mile or something like that.

Mr. McKinley: We offer this with the same understanding.

The following is a copy of said tabulation:

1901	1000	1000	1000	1000
1902	1000	1000	1000	1000
1903	1000	1000	1000	1000
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1905	1000	1000	1000	1000
1906	1000	1000	1000	1000
1907	1000	1000	1000	1000
1908	1000	1000	1000	1000
1909	1000	1000	1000	1000
1910	1000	1000	1000	1000
1911	1000	1000	1000	1000
1912	1000	1000	1000	1000
1913	1000	1000	1000	1000
1914	1000	1000	1000	1000
1915	1000	1000	1000	1000
1916	1000	1000	1000	1000
1917	1000	1000	1000	1000
1918	1000	1000	1000	1000
1919	1000	1000	1000	1000
1920	1000	1000	1000	1000
1921	1000	1000	1000	1000
1922	1000	1000	1000	1000
1923	1000	1000	1000	1000
1924	1000	1000	1000	1000
1925	1000	1000	1000	1000
1926	1000	1000	1000	1000
1927	1000	1000	1000	1000
1928	1000	1000	1000	1000
1929	1000	1000	1000	1000

1. The first part of the report deals with the general situation of the country and the progress of the work done during the year.

2. The second part deals with the results of the work done during the year.

3. The third part deals with the results of the work done during the year.

4. The fourth part deals with the results of the work done during the year.

5. The fifth part deals with the results of the work done during the year.

6. The sixth part deals with the results of the work done during the year.

7. The seventh part deals with the results of the work done during the year.

8. The eighth part deals with the results of the work done during the year.

9. The ninth part deals with the results of the work done during the year.

10. The tenth part deals with the results of the work done during the year.

11. The eleventh part deals with the results of the work done during the year.

12. The twelfth part deals with the results of the work done during the year.

13. The thirteenth part deals with the results of the work done during the year.

14. The fourteenth part deals with the results of the work done during the year.

15. The fifteenth part deals with the results of the work done during the year.

16. The sixteenth part deals with the results of the work done during the year.

17. The seventeenth part deals with the results of the work done during the year.

18. The eighteenth part deals with the results of the work done during the year.

19. The nineteenth part deals with the results of the work done during the year.

20. The twentieth part deals with the results of the work done during the year.

CUJAMONGA CANYON WATER

Aug.	16	'89	Tunnel	47.00"
			Ck.	153.50"
			Total	200.50"
Feb.	5	1900	Ck. & T.	100.00"
May	13	1904	Tunnel	101.90"
			Plus 50 or 60" passing down Ck.	
Sept.	10	1904	Ck. & T.	48.25"
Apr.	26	1905	T.	47.09"
			Ck.	348.40"
			Total	395.49"
May	8	1905	Ck.	1078.5"
June	3	1905	T.	149.31"
			Ck.	215.50"
			Total	172.82" 369.81
Oct.	28	1905	T.	104.92"
Mar.	19	1906	Ck.	1386.00"
Apr.	3	1906	Ck.	1667.80"
"	27	1906	"	535.00"
May	19	1906	"	246.70"
May	28	1906	"	1125.70"

STATE OF NEW YORK

IN SENATE,

January 12, 1901.

REPORT

OF THE

COMMISSIONERS OF THE LAND OFFICE

FOR THE YEAR 1900.

ALBANY:

1901.

PRINTED BY THE STATE PRINTING OFFICE.

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SUPERIOR COURT

1	July	7	1906	T.	219.90"
2				Ck.	219.00"
3				Total	438.90"
4					
5	Sept.	15	1906	T.	219.90"
6	Jan.	11	1907	Ck.	1554.50"
7	Feb.	20	1907	Ck.	721.50
8	Apr.	5	1907	Ck.	2660.00"
9	June	1	1907	Ck.	409.90
10	Oct.	21	1907	"	213.80"
11	Feb.	19	1908	"	385.00
12	Oct.	28	1908	"	80.00"
13	Jan.	29	1909	"	678.50"
14	"	29	1909	" (At 16th St.)	131.20"
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1 Have you another one?

2 I have here a tabulation of my personal measurements
3 made of the discharge of the Frankish and Stamm tunnel.

4 Before we put that in I want to take up the history
5 of the Frankish and Stamm tunnel if you are familiar with
6 it, of that tunnel. What knowledge did you have of the
7 Frankish and Stamm tunnel during the time of its construc-
8 tion?

9 I was engineer of the Frankish and Stamm tunnel and
10 had charge of the engineering features of that work.
11 They selected a location-- an approximate location for the
12 tunnel-- and instructed me to make the alignment and locate
13 shafts and keep the construction force upon the grades
14 and alignments that I laid out on the surface of the ground,
15 in their underground work.

16 At what point did you begin the construction of the
17 tunnel.

18 I haven't anything to show the exact point, but I can
19 describe the approximate location, and it is shown on
20 Defendants Exhibit "D". The tunnel itself is located in the
21 westerly half of sections 20 and 29, township 1 north, range
22 7 west. The mouth of the tunnel is shown as south of 23rd
23 street, and the heading or upper part or end of it as
24 north of 26th street. I do not know that it is platted in
25 accurately, but I do know that the length is approximately
26 6000 feet, and its relation to the Jucanonga wash is quite
27 well shown on this map. It is some little distance from it
28 at the beginning. I mean by the wash the large deep notch
29 or flood cut in the debris cone. The upper end of that tun-

SUPERIOR COURT

1 nel, under this soale, must be some '3 or 400 feet from
2 the westerly bank of the Cucamonga flood channel.

3 Q When did you begin the construction of that tunnel?

4 A I think in '94. I have water measurements over the
5 weir in 1895.

6 Q How long did the work continue on it?

7 A Parts of two years. I think it was finished some time
8 in '95.

9 Q Did the work begin at the mouth of the tunnel or at
10 the shafts?

11 A It began along the whole length of it. I think they
12 were working as many as six or seven headings at one time.

13 Q Where and when did you find water?

14 A I can't give you the date when we first measured wat
15 er in that tunnel. I have a note which is taken from some
16 of my field notes that the length is about 6000 feet,
17 with a 400-foot shaft at the upper end.

18 Q T & represents the depth below the surface at the up-
19 per end of the shaft?

20 A No; it misrepresents it. They sunk down 315 or 320
21 feet and ran to that point with the tunnel; and at that
22 time there was no water when they got there; and a water
23 witen in Los Angeles told them that if they went down furth-
24 er they would strike the Colorado River, and they went down
25 approximately 100 feet below. My first accurate measurement
26 was September 14, 1895.

27 Q Whereabouts?

28 A That was made at or over a weir at or near the mouth
29 of the tunnel.

1 all right, this is the first time I've ever
2 been so happy. I'm so happy. I'm so happy.
3 I'm so happy. I'm so happy. I'm so happy.
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24 I'm so happy. I'm so happy. I'm so happy.
25 I'm so happy. I'm so happy. I'm so happy.

1 Q Was there anything about the history of the tunnel
2 other than that that appears in your measurements?

3 A That tunnel was run through the debris cone and various
4 materials excavated and bored through were similar to what
5 we find on the surface. I found lozenges of close stiff
6 material, quite impervious, and I found open porous material
7 such as I would find on the surface of the canyon.

8 Q What was that impervious material?

9 A I would find silts and some clay mixed in the shape
10 of a lozenge. It was apparently in an eddy of some kind
11 where the silts had settled. And we also found large coarse
12 boulders with very little silt, but some very coarse gravel
13 and coarse sand in the interstices of the boulders.

14 Q How did you find that as it extended throughout the length
15 of the tunnel?

16 A I met those varying conditions from start to finish
17 throughout the 6000 feet. There was one place where we
18 ran into quite a ^{silted} ~~xxxx~~ condition, evidently intersecting
19 an old flood channel of some kind, and at that point we
20 got some water, and that point was near the middle of the
21 tunnel or possibly a little north of the middle of the length
22 ~~xxxx~~ of the tunnel. It must be between 3000 and 4000
23 feet. I haven't in mind the exact location, but I recollect
24 the condition, that we tunneled into a stratification
25 that produced some water, and during dry years it was the
26 only place in the tunnel where there was any water. In wet
27 years, when the debris cone is filled and the canyon dis-
28 charges water, the level raises and considerable water
29 shows in the tunnel.

1 Does it come in no other place?

2 A When the debris cone is saturated it does for probably
3 two or three thousand feet, where it gathers water.

4 Q In the construction of the tunnel did you strike water
5 at other points?

6 A No; I have no recollection of water being struck ex-
7 cept at this one point. This is spread out for a distance
8 of two or three hundred feet. It had the appearance of
9 having been a silted up flood channel which was buried some
10 hundreds of feet below the surface and which was bringing
11 in and controlling the water. We also had some run-off
12 from that tunnel, although it has dropped down sometimes
13 to less than a miners inch of water.

14 Q With regard to the condition of the water there, was
15 it a large or small amount? Describe it.

16 A The run-off from that tunnel has been extremely fluc-
17 tuating. Following years of heavy rainfall the volume went
18 up to in excess of 100 inches. We struck no pocket of
19 water of any amount. We simply got a little excess water
20 over what we had. The volume ran down as it always does.
21 We found no large pockets.

22 Q In the construction there did the amount run down
23 very quickly or decrease very quickly?

24 A At the time we ran that tunnel the gravel mass was
25 not all well saturated and the amount was small.

26 Q What time of the year did you strike that?

27 A In the winter of '94 or '95. Sometime in the spring of
28 '95.

29 Q You say explain your tabulation.

[illegible]

1 I find that my first actual, measurement was September
2 14, 1895, and there was 8.6 inches on that date.

3 Where was that measurement taken?

4 All these measurements were taken over a weir near the
5 mouth of the tunnel. This tabulation contains two columns,
6 one the date and the other the measurement in inches.

7 I find on April 5, 1907-- I have no measurement on that day,
8 but I put this explanatory note in: "Weir out of order, but
9 estimate flow in excess of date next above." The date next

10 above is February 20, 1907, when I measured over the weir
11 124.96 inches, and that is the only explanatory note I
12 have here-- No, I have another. On May 11, 1907, I say

13 "about 120 inches." There was some condition about the
14 weir which did not conform to normal conditions, and there
15 was some question about the exact amount. There is a

16 pipe line leading from this tunnel to the pipe system of
17 the San Antonio Water Company on 22nd Street. During the
18 irrigation season the water that is in the tunnel passes
19 into the system of the San Antonio Water Company and it
20 is measured at the turnouts below. At times there is consid-
21 erable more than a head and it has to be passed into the
22 diagonal lines and laterals, and the zanjero has a measure-
23 ment at all the turnouts.

24 Mr. McKinley: We offer this under the same understanding.

25

Sept. 14 1895	8.6
Sept. 18 1895	12.8
Sept. 19 1895	11.8
Sept. 20 1895	10.2
Sept. 21 1895	10.2

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29

SUPERIOR COURT

1. The first of these is the fact that the majority of the population of the United States is now living in urban areas. This is a result of the process of urbanization, which has been going on since the beginning of the 19th century. The process of urbanization is the movement of people from rural areas to urban areas. This is a result of the fact that urban areas offer more opportunities for employment and education than rural areas do. The process of urbanization has led to the growth of large cities and the decline of small towns. This has had a profound effect on the way of life in the United States. The majority of the population now lives in cities, and this has led to a number of changes in the way of life. For example, the majority of the population now lives in multi-story apartment buildings, and this has led to a change in the way of life. The majority of the population now lives in cities, and this has led to a number of changes in the way of life. For example, the majority of the population now lives in multi-story apartment buildings, and this has led to a change in the way of life.

F. & S. Tunnel.

Length about 6000'- 400' shaft at heading.

Flow 1 to 5" first year, about 1yr. after completion.

After a storm it increased to 20 to 30"

Sept. 14, '95	6.6"
Apr. 6, '96	19.9"
June 25, '96	17.2"
July 15, '96	14.4"
Sept. 15 '96	10.5"
Aug. 16 '97	12.7"
Oct. 4 '97	7.5"
Dec. 16 '98	11.9"
July 5 '98	4.4"
Oct. 2 '98	2.3"
Dec. 6 '99	1.2"
July 3 '99	1.4"
Dec 5 1900	2.3"
Aug. 6 1900	2.0"
Oct. 8 1900	1.6"
June 11 1904	21.0"
Oct. 15 1904	2.6"
Apr. 26 1905	30.0"
June 3 1905	70.0"
Aug. 8 1905	28.5"
Sept. 11 1905	16.3"
Nov. 9 1905	12.6"
Jan. 17 1906	11.4"
July 7 1906	90.0"
Sept. 3 1906	30.0"

1	1000	1000	1000
2	1000	1000	1000
3	1000	1000	1000
4	1000	1000	1000
5	1000	1000	1000
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50	1000	1000	1000

1	Oct. 5, 1906	23.4"
2	Nov. 2 1906	10.0"
3	Dec. 14 1906	8.1"
4	Jan. 14 1907	52.7"
5	Feb. 20 1907	124.96"
6	Apr. 5 1907	Weir out of order, but estimate flow in excess of data next above.
7	May 11 1907	about 120.00"
8	June 6 1907	111.80"
9	July 10 "	91.70"
10	Sept. 6 "	55.00"
11	Oct. 5 "	37.86"
12	Nov. 8 "	48.10"
13	Feb. 22 1908	55.80"
14	March 16 "	71.88
15	Apr. 6 "	55.35"
16	May 6 "	49.00"
17	June 6 1908	35.51"
18	July 6 "	25.40"
19	Aug. 7 "	12.12"
20	Oct. 9 "	4.00"
21	Nov. 8 "	5.00"
22	Dec. 13 "	4.40"
23	Jan. 10 1909	5.50"
24	" 29 "	9.30"

1 Q Have you another tabulation?

2 A I have here a tabulation showing the depth to water from
3 the surface of the ground at the Bodonnamer well.

4 Q Where is that?

5 A The Bodonnamer well is located south of 21st Street and
6 about 100 to 150 feet west of Mountain Avenue. I have
7 marked the location with a small circle and above it have
8 written "Bodonnamer Well."

9 Q Who operates that well?

10 A It is not operated. It is simply a deep shaft with wat-
11 er standing in it, and I have kept the records to note the
12 fluctuations from month to month and year to year.

13 Q It does not belong to the San Antonio Water Company?

14 A Yes, it is property of the San Antonio Water Company
15 and the measurements I have here show the fluctuations in
16 the water level or water plane at that point; and the first
17 is April 26, 1906, and the last is December 13, 1908.

18 There are two columns: The first gives the date and the
19 second gives the depth to water from the surface of the
20 ground on the specified date.

21 Q It is simply a shaft there? A Yes, sir

22 Q Never was pumped? A Yes, sir.

23 Q When? A I don't remember. I have no record of it.

24 Q You don't know how long ago it was? A No; it has been
25 a number of years. I had nothing to do with that. The water
26 was pumped at such a great depth that the expense was too
27 heavy to be commercially feasible.

28 Q Who pumped it? A The San Antonio Water Company pumped
29 it some years ago

Mr. McKinley: We offer it with the same understanding.

The following is a copy of said tabulation:

1. The first of these is the fact that the

2. The second is the fact that the

3. The third is the fact that the

4. The fourth is the fact that the

5. The fifth is the fact that the

6. The sixth is the fact that the

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11. The eleventh is the fact that the

12. The twelfth is the fact that the

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14. The fourteenth is the fact that the

15. The fifteenth is the fact that the

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19. The nineteenth is the fact that the

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21. The twenty-first is the fact that the

22. The twenty-second is the fact that the

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BOHEMIAN WELL.

Depth to water.

April 26-05	125.8'
Oct. 11-05	110.6'
Jan. 17-06	112.0'
Mar. 5-06	105.5'
April 9-06	109.0'
May 19-06	91.5'
July 10-06	75.1'
Aug. 9-06	76.5'
Sept. 8-06	80.0'
Oct. 5-06	85.0'
Nov. 2-06	90.0'
Dec. 14-06	94.9'
Jan. 14-07	96.2'
Feb. 11-07	99.5'
June 6-07	86.4'
July 10-07	71.0'
Aug. 7-07	75.50'
Sept. 6-07	81.00'
Oct. 5-07	84.50'
Nov. 8-07	86.60'
Feb. 22-08	99.5'
Mar. 18-08	101.50'
Apr. 6-08	102.5'
May 8-08	99.8'
Nov. 8-08	106.8'
Dec. 13-08	109.5'

Table 1

1	10.00	10.00
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1 Q. Have you another tabulation?

2 A. I have here a tabulation of my personal measurements
3 made at Weir C, receiving the total San Antonio Water Com-
4 pany Cusamón, a pumped water. That is, at 10th Street.

5 Q. Where is that weir C?

6 A. Weir C is in box C and is so marked on Defendants Exhibit
7 "E". The location of this box is just south of 10th Street.

8 Q. Mark it here on the map.

9 A. It is at the junction where the water from well no. 1
10 joins the main pipe line taking the waters--

11 Q. It represents all the water taken from those wells
12 at the time the measurements were made?

13 A. All the pumped water goes through this box and over this
14 weir, and the measurements made on these particular dates
15 are measurements of the total pumped water for those specif-
16 ic dates. There are two columns here: One gives the date
17 and the other gives the number of miners inches.

18 Q. Mr. Britt: These measurements and this table are only
19 of the discharge at the time specified when you personally
20 examined?

21 A. That is correct.

22
23 Q. Mr. McKinley: We offer this with the same understanding.

24
25 The following is a copy of said tabulation:

26
27
28
29

I am (the son) of a very poor man, and I am very poor.

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Recording Total S.S. Co. Due. Pumped Water

By F. F. Trask.

DATE Disch. Date. Disch.

1904

June 10 118.20"
 " 27 116.13
 July 2 133.75
 " 9 170.45
 " 16 227.34
 " 22 219.42
 " 28 229.32
 Aug. 8 265.50
 " 27 335.90
 " 27 306.00
 Sept. 3 278.04
 " 13 337.05
 " 23 311.10
 Oct. 4 340.20
 " 3 342.30
 " 15 311.10
 " 29 333.90
 Nov. 18 300.90
 Nov. 19 330.75
 Dec. 3 286.92
 " 17 267.33
 " 24 232.00

1905

Jan. 7 202.44"
 Sept. 8 185.73
 " 15 231.27
 " 23 315.30
 " 30 320.40
 Oct. 7 339.00
 " 14 300.90
 " 28 270.03
 Nov. 4 265.32
 Nov. 4 265.32

1907

Sept. 30 207.63
 Oct. 5 202.35
 " 12 202.35
 Dec. 4 220.35

1908

July 26 213.09
 Aug. 7 209.40
 " 29 296.94
 Sept. 5 244.30
 Oct. 6 261.48
 Nov. 22 304.00

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Here the Court takes a recess until to-morrow, March 11, 1909, at 10 o'clock a.m.

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Oct 21-319,2

SUPERIOR COURT

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DEED.

"This Indenture, made and executed this 3d day of July, A. D. One Thousand Eight hundred and Seventy four (1874) Between Isaac W. Hellman and Isaiah M. Hellman of Los Angeles County and State of California, parties of the first part, and the "Cucamonga Homestead Association" of the same place, of the Second part, Witnesseth, that the parties of the first part, for and in consideration of the sum of One Dollar, and other valuable consideration, to them in hand paid by the party of the second part, the receipt of which is hereby acknowledged, do by these presents grant, bargain, sell and convey unto the said party of the second part, the following described tract or parcel of land, lying and being situate in the County of San Bernardino, State of California, and known as a part of the Rancho Cucamonga and being all that part of said Rancho lying and being north of the San Bernardino Base Line as shown by the Patent thereof and plat accompanying the same, issued by the Government of the United States on the 9th day of December A.D. One thousand Eight hundred and Seventy two (1872) to Leon V. Prudhomme Admr. & saving and accepting the lands heretofore sold to the Cucamonga Co. of which J. Archibald is President; reference being thereunto had will more fully appear. Also thirty five acres of said Rancho south of the San Bernardino Base Line, being the same tract described in the deed executed by Jose C. Carrillo and Maria Merced M. C. Carrillo to Isaac W. Hellman bearing date December Fifteenth in the year of our Lord one thousand eight hundred and Seventy one, reference being thereunto had will more

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1 fully appear; also, one hundred and sixty acres of land
2 commencing at a point three (3) chains east of the South-
3 West corner of Section four (4) Township one (1) South,
4 Range Eight (8) west of San Bernardino Meridian, thence
5 north of true Meridian, variation 14° 45' E. Eighty chains
6 to a point on the Base Line; thence east along the Base
7 Line twenty chains to a point; thence south eighty chains
8 to a point on the South boundary of Section four; thence
9 west twenty chains to the point of commencement, being the
10 same land described in a certain deed of conveyance executed
11 by Isaac M. Hellman to Isaias M. Hellman, dated 11th day of
12 June, A. D. 1873 recorded in Book "L" of Deeds, page 526 of
13 said San Bernardino County. Together with all and Singu-
14 lar hereditaments, tenements and appurtenances thereto be-
15 longing, and all right and rights of water from springs,
16 lakes, marshes, creeks, flumes, ditches and other sources,
17 and all rights perfect and imperfect to the waters of Cucu-
18 monga and San Antonio Canyon. To have and to hold the
19 same together with anything thereunto to appertaining to
20 the party of the second part, its successors and assigns
21 forever.

22 In Witness Whereof, the ^{parties} ~~party~~ of the first part
23 have herunto affixed their hands and seals the day and
24 year first above written.

25 Isaac M. Hellman (Seal)

26 Isayah M. Hellman (Seal)

27 The following words were interlined over the third from
28 the bottom of one 1st page before execution, "Saving and
29 excepting all lands heretofore sold to the Cucamonga Company

of which J. Archebald is President.

J. J. Warner, Notary Public.

State of California, }
County of Los Angeles, } ss:

On the twenty second day of March in the year eighteen hundred and seventy-six, before me, J. J. Warner, a Notary Public, personally appeared Isaiah M. Hellman and Isaias W. Hellman, known to me to be the persons whose names are subscribed to the annexed instrument, and they severally acknowledged to me that they executed the same.

J. J. Warner,

(Seal)

Notary Public.

A full, true and correct copy of the original filed for record at request of E. T. Blow at 35 min. past 10 A. M., March 28th, 1876.

James W. Swing, Co. Recorder,
by W. A. Mizbet, Depty.

1 The following is the description contained in the deed of
2 CUCALONGA HOMESTEAD ASSOCIATION to L. H. MOTT.

3
4 "All the following described real estate situate in the
5 County of San Bernardino, State of California, to-wit:

6 Twenty acre Lot Number (6) Six in Block Number Sixteen and
7 building Lot Number Six in Block Number Eight, of the tract
8 of land of the Cucamonga Homestead Association, according
9 to the survey and sub-division of the tract, made by George
10 Hansen, Surveyor, in the months of July and August, 1874,
11 which said survey, together with the map, or plat, thereof,
12 now in possession of the party of the first part, is hereby
13 referred to and made part hereof for more particular de-
14 scription; the tract of land surveyed and sub-divided as
15 aforesaid, being the same heretofore conveyed to the party
16 of the first part by L. W. Hellman and L. M. Hellman, by
17 deed of date July 3, 1864. And, The said party of the
18 first part for the consideration aforesaid, and pursuant
19 to the resolution aforesaid, does further grant, bargain,
20 sell, and convey unto the said party of the second part,
21 his heirs and assigns, forever, as an easement appurtenant
22 to said parcels of land hereinbefore described, and for use
23 thereon, for purposes of irrigating and domestic use, one
24 three hundredth part of all the right, title and interest
25 acquired by the party of the first part by virtue of the
26 aforesaid conveyance from L. W. Hellman and L. M. Hellman
27 in and to all the water flowing or to flow in the Creek or
28 Arroyo known as the Cucamonga Creek or Arroyo; and also
29 the right to use in common with the other owners of said water

SUPERIOR COURT

1 under such rules and regulations as may hereafter from time
2 to time be adapted prusuant to the provision and condition
3 hereinafter contained, all reversions, flumes, ditchas, and
4 other water-works that are now or may hereafter be construct-
5 ed by the party of the first part for the collection of said
6 water, or for conducting the same upon said tract of land
7 of the party of the first part of which the parcels of land
8 hefeinbefore conveyed from part. This conveyance of water
9 and water rights is however expressly made upon and subject
10 to the following conditions to wit:

11 First. That the distribution of said water shall always
12 be made among the owners thereof according to their re-
13 spective rights therein, and such distribution shall alowys
14 be mad under and in accordance with such rules and regula-
15 tions as shall from time to time be adopted by such owners;
16 and for the adoption of such and regulation there shall
17 only be necessary the vote in favor thereof of the owner
18 or owners of more than one half of said water and water
19 rights.

20 Second. That the expenses of conducting and distributing
21 said water, including the cost of maintaining the ditches,
22 flumes, reservoirs and other water-works constructed for
23 such purposes, shall always be borne by the owners thereof
24 in proportion to the amount of water used by them respective-
25 ly.

26 Third. That the rules and regulations to be adopted as
27 hereinbefore provided shall include rules for the levy and
28 collection from each owner, of his proportion of the expenses
29 aforesaid, and that the amount so levied at any time shall be

[illegible]

lien and charge upon the interest of such owner in said
water and water-works and also upon his interest in the
land to which said water-rights are appurtenant and upon
which said water may be used.

Book 39 of Deeds, page 174.

-o-

SUPERIOR COURT

1 The following is the description contained in the deed of
2 L. H. MOTT to J. P. HASKELL.
3

4 "All those certain lots and parcels of land situate, lying
5 and being in the County of San Bernardino, State of Cali-
6 fornia, and bounded and particularly described as follows
7 to wit:

8 Twenty acre lot Number Six (6) in Block Number Sixteen (16)
9 and Building Lot Number Six (6) in Block Number Eight (8)
10 of the least of land of the Cucamonga Homestead Association
11 wording to the survey and subdivision of said part made by
12 Geo. Hansun in the months of July and August, 1874, a map
13 or plat of which said survey is now on file in the office
14 of the Record of San Bernardino County to which reference
15 is hereby made for more particularly description and the
16 said party of the first part for the consideration aforesaid
17 does further grant, bargain sell and convey unto the said
18 party of the second part his heirs and assigns forever as
19 an easement appurtenant to said parcels of land hereinbefore
20 described and for use thereon for purposes of irrigation and
21 domestic use One Three Hundredth ($1/300$) part of all the
22 water flowing or to flow in the Cucamonga Creek or Canyon,
23 Together with all and singular the tenements, hereditaments
24 and appurtenances thereunto belonging, or in anywise appur-
25 taining and the reversion and reversions remainder and re-
26 mainders rents, issues and profits thereof.

27 Book 39 of Deeds, page 170.
28
29

DEFENDANTS' EXHIBIT I.

FIRST: All that certain real property in the Rancho Cucamonga, San Bernardino County, California, bounded and particularly described as follows, to-wit:-

Commencing at the South-west corner of Section Four (4), Township One (1) South, Range Seven (7) West, San Bernardino Base and Meridian; thence North $0^{\circ} 06'$ East on Section line six hundred (600) feet; thence South $89^{\circ} 57'$ East four hundred and ninety eight (498) feet; thence North $0^{\circ} 06'$ East twenty-nine hundred and sixty (2960) feet; thence South $89^{\circ} 57'$ East ten hundred and nineteen and thirty-two hundredths (1019.32) feet to lands of Cucamonga Land and Irrigation Company; thence North $0^{\circ} 01'$ East eighteen hundred and sixty-one and nine hundredths (1861.09) feet to San Bernardino Base Line; thence South $89^{\circ} 56'$ west along San Bernardino Base Line twenty-eight hundred and thirty-nine and thirty hundredths (2839.30) feet; thence South $0^{\circ} 6'$ West eighty-one and eighty-three hundredths (81.83) chains to North line of Section Eight; thence South $89^{\circ} 51'$ East twenty and four hundredths (20.04) chains to place of beginning; estimated to contain three hundred and thirteen (313) acres.

Also Lot Four (4) in Section Nine (9) and Lots One (1) Two (2), Three (3) and Four (4) in Section Eight (8), Township One (1) South, Range Seven (7) West, San Bernardino Base Line and Meridian, containing sixty and twenty-one hundredths (60.21) acres.

All as per map recorded in Book 4, page 9 of maps, Records of San Bernardino County.

Reserving therefrom rights of way granted to San Antonio Water Company for pipe lines and reserving all rights to Cucamonga Fruit Land Company for development and supplying one hundred and thirty (130) inches of water as per contract Cucamonga Fruit Land Company to San Antonio Water Company, dated April 5th, 1899.

SECOND: All that real property situated in Ontario, San Bernardino County, California, bounded and described as follows, to wit:-

Lots numbered Thirty (30), Thirty-one (31), Sixty-six (66) Sixty-seven (67), Sixty-eight (68), Sixty-nine (69), Seventy (70), Seventy-one (71), One hundred two (102), One hundred three (103), One hundred four (104), One hundred five (105), One hundred six (106), One hundred seven (107), One hundred eight (108), One hundred nine (109), One hundred ten (110) Two hundred forty-five (245), Two hundred forty-six (246), Two hundred forty-seven (247), Two hundred forty-eight (248), Two hundred seventy-one (271), Two hundred seventy-two (272), Two hundred seventy-three (273), Two hundred seventy-four (274), Two hundred seventy-five (275), Three hundred nine (309), Three hundred ten (310), Three hundred eleven (311), Three hundred twelve (312), Three hundred thirteen (313), Three hundred fourteen (314), Three hundred thirty-seven (337) Three hundred thirty-eight (338), Three hundred thirty-nine (339), Three hundred forty (340), Three hundred forty-one (341), Three hundred forty-two (342), Three hundred forty-three (343), Three hundred forty-seven (347), Three hundred forty-eight (348), Three hundred forty-nine (349), Three

1	1870-1871	1870-1871	1870-1871	1870-1871
2	1871-1872	1871-1872	1871-1872	1871-1872
3	1872-1873	1872-1873	1872-1873	1872-1873
4	1873-1874	1873-1874	1873-1874	1873-1874
5	1874-1875	1874-1875	1874-1875	1874-1875
6	1875-1876	1875-1876	1875-1876	1875-1876
7	1876-1877	1876-1877	1876-1877	1876-1877
8	1877-1878	1877-1878	1877-1878	1877-1878
9	1878-1879	1878-1879	1878-1879	1878-1879
10	1879-1880	1879-1880	1879-1880	1879-1880
11	1880-1881	1880-1881	1880-1881	1880-1881
12	1881-1882	1881-1882	1881-1882	1881-1882
13	1882-1883	1882-1883	1882-1883	1882-1883
14	1883-1884	1883-1884	1883-1884	1883-1884
15	1884-1885	1884-1885	1884-1885	1884-1885
16	1885-1886	1885-1886	1885-1886	1885-1886
17	1886-1887	1886-1887	1886-1887	1886-1887
18	1887-1888	1887-1888	1887-1888	1887-1888
19	1888-1889	1888-1889	1888-1889	1888-1889
20	1889-1890	1889-1890	1889-1890	1889-1890
21	1890-1891	1890-1891	1890-1891	1890-1891
22	1891-1892	1891-1892	1891-1892	1891-1892
23	1892-1893	1892-1893	1892-1893	1892-1893
24	1893-1894	1893-1894	1893-1894	1893-1894
25	1894-1895	1894-1895	1894-1895	1894-1895
26	1895-1896	1895-1896	1895-1896	1895-1896
27	1896-1897	1896-1897	1896-1897	1896-1897
28	1897-1898	1897-1898	1897-1898	1897-1898
29	1898-1899	1898-1899	1898-1899	1898-1899
30	1899-1900	1899-1900	1899-1900	1899-1900

1 hundred fifty (360), Three hundred seventy-three (373), Three
2 hundred seventy-four (374), Three hundred seventy-five (375),
3 Three hundred seventy-six (376), Three hundred eighty-five
4 (385), Three hundred eighty-six (386), Three hundred eighty-
5 seven (387), Three hundred eighty-eight (388), Four hundred
6 eleven (411), Four hundred twelve (412), Four hundred thir-
7 teen (413) Four hundred fourteen (414), - a plat of which
8 is recorded in the County Recorder's office in San Bernardino
9 County, in Book 11, of Maps, at page 6 thereof.

11 THIRD: All that certain property situated in the Colony
12 of Ontario County of San Bernardino, State of California,
13 and particularly described as follows, to-wit:-

14 The railroad bed, rails, ties, bonding and fittings of
15 Ontario & San Antonio Heights Railway Company, commencing
16 at the Power House of the Ontario Electric Company situated
17 on Lots One (1), Two (2) and Thirteen (13) in Block Twenty
18 (20) of the San Antonio Heights Tract; thence running
19 in an easterly direction to the head of Euclid Avenue in
20 the Colony of Ontario; thence South along the center of
21 said Euclid Avenue to State Street, in the South Side Tract,
22 State Street being almost a quarter of a mile south of the
23 point at which road bed of said Ontario & San Antonio Heights
24 Railway Co. crosses the main line of the Southern Pacific
25 R. R. Company.

27 FOURTH: All that certain real property in the Colony of
28 Ontario, County of San Bernardino, State of California, par-
29 ticularly described as follows, to wit:-

4
1 Lots One (1), Two (2) and Eighteen (18) in Block Twenty
2 (20) of San Antonio Heights Tract, as the same are shown
3 marked and platted upon a map thereof recorded in Book 4
4 of Maps, at page 48, Records of San Bernardino County.

5
6 FIFTH: All that certain real property in the Colony of
7 Ontario, County of San Bernardino, State of California,
8 particularly described as follows, to wit:-

9 Lots Nineteen (19) and Twenty (20) in Block Sixty-eight
10 (68) of the South Side Tract, as the same are shown marked
11 and platted upon a map thereof recorded in Book 4 of Maps,
12 at Page 12, Records of San Bernardino County.

13
14 SIXTH: All power, rights, and privileges owned by
15 Ontario Electric Company, in and over lands in the San
16 Antonio Canon and Girda Rancho.

17
18 SEVENTH: About fifteen hundred seventy-five (1575) feet
19 No. 10, 22 inch riveted steel pipe, used for conducting water
20 to power house, all fittings, nozzles, gates, etc. for same.

21 Two (2) 100 H. P. Tutthill water wheels with shafting,
22 belts, pulley and other machinery and accessories used in
23 driving electric generators.

24 1 General Electric Company's 62 H.P. Lighting Generator;
25 One General Electric Co.'s 62 H.P. Power Generator; 1 - 40
26 H.P. Electric Generator; 1 - 25 H.P. Auxillary Electric
27 Generator; 1 workshop lathe and outfit, Tools, Spanners,
28 Switchboards, and all other equipments for use in Power
29 house and elsewhere.

1 **WIRING:** About eight and one-half (8-1/2) miles over-
2 and construction for both lighting and power purposes,
3 including copper trolley and lighting wire, poles, brackets.

4 About twenty-four (24) miles of No. 4 Copper conducting
5 wires for lighting purposes, and about twenty-five (25)
6 miles of branch copper wire for lighting purposes, two
7 passenger cars and two trailers.

8
9 **WATER:** Section One (1), Township One (1) North, Range
10 Eight (8) West, T. 1. N. 1. W. 8.

11 Section Twenty-five (25), Township Two (2) North, Range
12 Eight (8) West, T. 2. N. 1. W. 8.

13 Also a right of way for the construction and operation
14 of street railroads and electric light lines under the
15 rights of way reserved by the Ontario Land and Improvement
16 Company in the plats, maps and deeds of the Ontario Land
17 and Improvement Company heretofore recorded in San Bernar-
18 dino County, California; also the right to use the waters
19 diverted by the San Antonio Water Co., for power and mechan-
20 ical purposes owned by the Ontario Land and Improvement Com-
21 pany under the decree in the case of the San Antonio Water
22 Company vs. The Ontario Land and Improvement Company, dated
23 July 14, 1893.

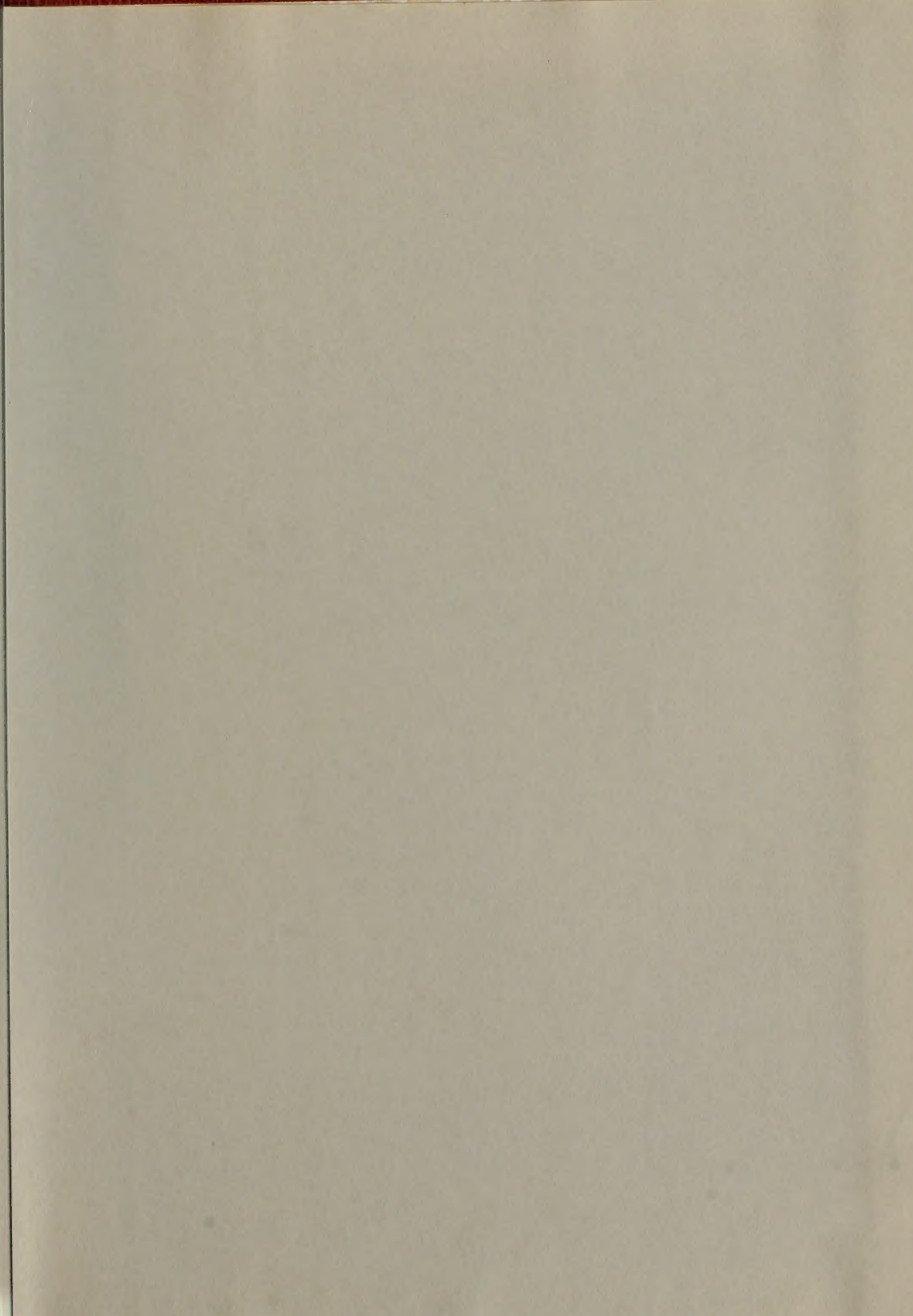
24 **TOWNSHIP** with all the tenements, hereditaments and appur-
25 tenances belonging or in anywise appertaining to the above
26 described property, and each and every part thereof, and
27 together with all the rights, privileges, easements, rights
28 of way, water rights, rights for the conducting of water,
29 rights of way for pipe lines, roads, and all other privileges,

1 estates and interests and franchises of every nature and
2 kind used in connection with, or in or about the above
3 described property, and every part thereof, and all other
4 property, of every kind and nature, whether real, personal
5 or mixed, hereditarily descended, and all other property
6 of every kind and nature, whether real, personal or mixed,
7 which may hereafter be acquired, held or owned by said party
8 of the first part.

9
10 YETTER with all other property of every kind and nature
11 of like character, or otherwise, and whether real, personal
12 or mixed, which may hereafter be acquired, held or owned
13 by said party of the first part, and the party of the first
14 part hereby covenants to maintain and keep up the equip-
15 ment in all respects of the same standard and character as
16 now existing, or as hereafter established, by proper replace-
17 ment from time to time to make good the deficiency and
18 deterioration that may be caused in any manner respect, what-
19 soever in kind or quality, in the said item of personal prop-
20 erty, whether such as now exist or may hereafter be acquired
21 all such replacement at all times to be and to constitute
22 a part of the property held and to be held for the security
23 of the covenants herein undertaken on the part of the party
24 of the first part.

Book 7 of Deeds, page 334.







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